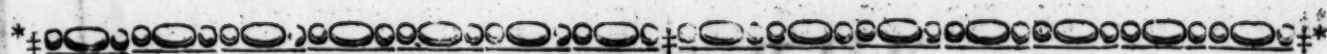


*Samuel Morris*

L A W S



T H E

L A W S

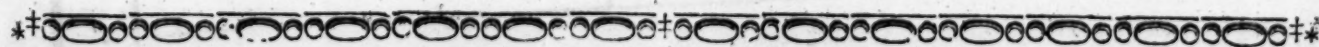
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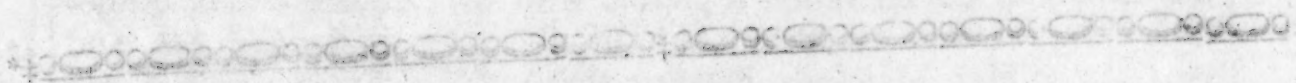
S O U T H - C A R O L I N A ,

Vol. II.





James M. Smith



THE

LAW

OF THE

PROVINCE

OF

SOUTH-CAROLINA

Vol. II.





THE  
LAW  
OF THE  
PROVINCE

Passed in the Second Year of the Reign  
of our Sovereign Lord George the  
SIXTH  
SOUTH-CAROLINA,

Vol. II.

Containing all the ACTS passed since the Time  
that the Lords Proprietors of CAROLINA,  
surrendered all their Title and Interest in that  
Province to his Majesty, to the End of this  
second Volume.





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THE  
ACT  
OF  
PARLIAMENT

Passed in the Second Year of the Reign  
of our Sovereign Lord GEORGE the  
Second,

ENTITLED,

AN ACT

*For Establishing an Agreement with Seven  
of the Lords Proprietors of CAROLINA,  
for the Surrender of their Title and Interest  
in that Province to His Majesty.*





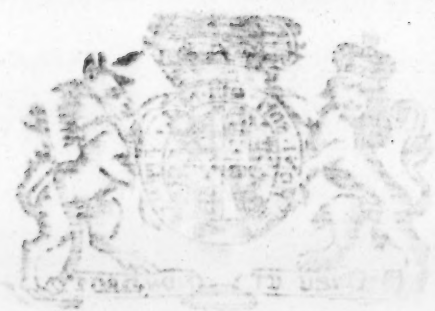
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in that Province to His Majesty.






Anno Secundo

## Georgii II. Regis.

## A N A C T

*For Establishing an Agreement with Seven  
of the Lords Proprietors of CAROLINA,  
for the Surrender of their Title and Interest  
in that Province to His Majesty.*


 HEREAS his late Majesty King CHARLES the Second,  
 by his Letters Patent under the Great Seal of *Great*  
*Britain*, bearing Date at *Westminster*, in the Fifteenth  
 Year of his Reign, did Grant and Confirm unto  
*Edward* then Earl of *Clarendon*, *George* then Duke of *Albemarle*,  
*William* then Lord *Craven*, *John* then Lord *Berkley*, *Anthony*  
 then Lord *Ashley*, Sir *George Carteret*, Knight and Baronet, Sir  
*William Berkley*, and Sir *John Colleton*, Knight and Baronet, all  
 since deceased, their Heirs and Assigns, all that Territory or Tract  
 of Ground situate, lying and being within his said late Majesty's  
 Dominions in *America*, extending from the North End of the Island  
 called *Luckar* Island, which lieth in the Southern *Virginia Seas*,  
 and within Six and Thirty Degrees of the Northern Latitude, and  
 to the West as far as the *South Seas*, and so Southerly as far as  
 the River Saint *Matthias*, which bordereth upon the Coast of  
*Florida*, and within One and Thirty Degrees of Northern Latitude,  
 and so West in a direct Line as far as the *South Seas* aforesaid,  
 together with all and singular Ports, Harbours, Bays, Rivers, Isles  
 and Islets, belonging unto the Country aforesaid, and also all the  
 Soil, Lands, Fields, Woods, Mountains, Farms, Lakes, Rivers,  
 Bays and Islets, situate or being within the Bounds or Limits aforesaid,  
 with the Fishing of all sorts of Fish, Whales and Sturgeons,  
 and all other Royal Fishes in the Sea, Bays, Islets and Rivers,  
 within

Preamble reciting  
the First Patent.



within the Premisses, and the Fish therein taken, and moreover all Veins, Mines, Quarries, as well discovered as not discovered, of Gold, Silver, Gems and precious Stones, and all other whatsoever, whether of Stones, Metals or any other Thing whatsoever, found or to be found within the Country, Isles and Limits aforesaid, and also the Patronage and Advowsons of all Churches and Chappels, which, as *Christian Religion* should increase within the Country, Isles, Islets and Limits aforesaid, should happen then after to be erected, together with License and Power to build and found Churches, Chappels and Oratories, in convenient and fit Places within the said Bounds and Limits, and to cause them to be dedicated and consecrated according to the Ecclesiastical Laws of the Kingdom of *England*, together with all and singular the like, and as ample Rights, Jurisdictions, Priviledges, Prerogatives, Royalties, Liberties, Immunities and Franchises of what kind soever, within the Country, Isles and Limits aforesaid, to have, use, exercise and enjoy, and in as ample Manner as any Bishop of *Durham*, in the Kingdom of *England*, ever then-tofore had, held, used or enjoyed, or of Right ought or could have, use or enjoy; and his said late Majesty did thereby, for himself, his Heirs and Successors, make, create and constitute the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Lord *Craven*, *John* Lord *Berkley*, *Anthony* Lord *Ashley*, *Sir George Carteret*, *Sir William Berkley*, and *Sir John Colleton*, their Heirs and Assigns, the true and absolute Lords and Proprietors of the Country aforesaid, and of all other the Premisses, [saving as therein is mentioned] to have, hold, possess and enjoy the said Country, Isles, Islets, and all and singular other the Premisses, to them the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Lord *Craven*, *John* Lord *Berkley*, *Anthony* Lord *Ashley*, *Sir George Carteret*, *Sir William Berkley*, and *Sir John Colleton*, their Heirs and Assigns for ever, to be holden of his said late Majesty, his Heirs and Successors, as of his Mannor of *East Greenwich* in the County of *Kent*, in free and common Socage, and not in *Capite*, or by Knights Service: AND Whereas his said late Majesty King *CHARLES* the Second, by other Letters Patent under the Great Seal of *England*, bearing Date the Thirtieth Day of *June*, in the Seventeenth Year of his Reign, reciting the Letters Patent herein first recited, did grant unto the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Lord *Craven*, then Earl of *Craven*,  
*John*



*John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkley, their Heirs and Assigns, all that Province, Territory or Tract of Ground situate, lying and being within his said late Majesty's Dominions of America, extending North and Eastward as far as the North End of Carabtuke River or Gullet, upon a strait Westerly Line to Wyonoake Creek, which lies within or about the Degrees of Thirty Six and Thirty Minutes Northern Latitude, and so West in a direct Line as far as the South Seas, and South and Westward as far as the Degrees of Twenty Nine inclusive, Northern Latitude, and so West in a direct Line as far as the South Seas, together with all and singular Ports, Harbours, Bays, Rivers and Islets belonging unto the Province or Territory aforesaid, and also all the Soil, Lands, Fields, Woods, Farms, Lakes, Rivers, Bays and Islets, situate or being within the Bounds or Limits last before mentioned, with the Fishing of all sorts of Fish, Whales, Sturgeons, and all other Royal Fishes in the Seas, Bays, Islets and Rivers within the Premises, and the Fish therein taken, together with the Royalty of the Sea upon the Coast within the Limits aforesaid, and all Veins, Mines and Quarries, as well discovered as not discovered, of Gold, Silver, Gems and precious Stones, and all other whatsoever, be it of Stones, Metals or any other Things, found or to be found, within the Province, Territory, Islets and Limits aforesaid, and furthermore, the Patronages and Advowsons of all Churches and Chappels, which, as Christian Religion should increase within the Province, Territory, Isles and Limits aforesaid, should happen then after to be erected, together with License and Power to build and found Churches, Chappels and Oratories, in convenient and fit Places within the said Bounds and Limits, and to cause them to be dedicated and consecrated according to the Ecclesiastical Laws of the Kingdom of England, together with all and singular the like, and as ample Rights, Jurisdictions, Priviledges, Prerogatives, Royalties, Liberties, Immunities and Franchises of what kind soever, within the Territories, Isles, Islets and Limits aforesaid, to have, hold, use, exercise and enjoy the same, as amply and fully, and in as ample Manner as any Bishop of Durham, in the Kingdom of England, ever thentofore had, held, used or enjoyed, or of Right ought or could have, use or enjoy; and his said late Majesty did thereby, for himself, his Heirs and Successors, make, create, constitute and appoint them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of*



The present  
Proprietors.

*Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkley, their Heirs and Assigns, the true and absolute Lords and Proprietors of the said Province or Territory, and of all other the Premises, [saving as therein is mentioned] to have, hold, possess and enjoy the said Province, Territory, Islets, and all and singular other the Premises, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkley, their Heirs and Assigns for ever, to be holden of his said Majesty, his Heirs and Successors, as of his Mannor of East Greenwich afore-said, in free and common Socage, and not in Capite, or by Knights Service, as in and by the said several recited Letters Patent, Relation being thereunto had, may appear: AND Whereas the Part, Share, Interest and Estate of the said Edward late Earl of Clarendon, of and in the Provinces, Territories, Islets, Hereditaments and Premises in and by the said several recited Letters Patents Granted and Comprised, is now come unto and vested in the Honourable James Bertie, of the Parish of Saint John the Evangelist, in the Liberty of Westminster, in the County of Middlesex, Esquire, in his own Right; and the Part, Share, Interest and Estate of the said George late Duke of Albemarle, of and in the same Premises, is come unto and vested in the most Noble Henry now Duke of Beauford, and in the said James Bertie and the Honourable Dodington Greville of Bulford, in the County of Wilts, Esquire, the two surviving Devisees named in the Will of the most Noble Henry late Duke of Beauford, in Trust for the present Duke of Beauford, and for the Right Honourable Charles Noell Somerset, his Brother, an Infant; and the Part, Share, Interest and Estate of the said William late Earl of Craven, of and in the same Premises, is come unto and vested in the Right Honourable William now Lord Craven; and the Part, Share, Interest and Estate of the said John late Lord Berkley, of and in the same Premises, is now come unto and vested in Joseph Blake, of the Province of South-Carolina in America, Esquire; and the Part, Share, Interest and Estate of the said Anthony late Lord Ashley, of and in the same Premises, is now come unto and vested in Archibald Hutcheson of the Middle Temple, London, Esquire, [in Trust for John Cotton of the Middle Temple, London, Esquire,] and the Part, Share, Interest and Estate of*



of the said late Sir *John Colleton*, of and in the said Premises, is now come unto and vested in Sir *John Colleton*, of *Exmouth*, in the County of *Devon*, Baronet; and the Part, Share, Interest and Estate of the said late Sir *William Berkley*, of and in the same Premises, is now come unto and vested in the Honourable *Henry Bertie*, of *Dorton*, in the County of *Bucks*, Esquire, or in *Mary Danson*, of the Parish of *Saint Andrews Holbourn*, in the County of *Middlesex*, Widow, or in *Elizabeth Moor* of *London*, Widow, some or one of them; and the said *Henry* now Duke of *Beauford*, and the said *James Bertie* and *Dodington Greville*, as Trustees in manner aforesaid, some or one of them, is or are seized in Fee of and in one full undivided eighth Part [the whole into eight equal Parts to be divided] of the Premises, in and by the said recited Letters Patents granted and comprized; and the same *James Bertie*, in his own Right, is now seized in Fee, or of some other Estate of Inheritance, of and in one other full undivided eighth Part; and each of them the said *William Lord Craven*, *Joseph Blake*, *Archibald Hutcheson*, as Trustee for the said *John Cotton*, Sir *John Colleton*, and the said *Henry Bertie*, *Mary Danson* and *Elizabeth Moor*, some or one of them, is or are respectively seized in Fee, or of some other Estate of Inheritance, of and in one other full undivided eighth Part of and in the said Provinces, Territories, Islands, Hereditaments and Premises, the Remaining eighth Part or Share of and in the said Provinces, Territories and Premises, which formerly belonging to the said Sir *George Carteret*, being now vested in the Right Honourable *John Lord Carteret*, Baron of *Hawes*, his Majesty's Lieutenant General, and General Governour of the Kingdom of *Ireland*: AND Whereas by a Judgment or Order of the House of Lords, made the Twenty Seventh Day of *March* last past, upon the Appeal of the said *Mary Danson*, Widow of *John Danson* Esquire, deceased, from a Decree of the High Court of Chancery, made the Seventh Day of *November*, One Thousand Seven Hundred and Twenty One, and from a subsequent Order of the Fifteenth Day of *January*, One Thousand Seven Hundred and Twenty Three, it was ordered and adjudged, That the said Decree and subsequent Order, complained of in the said Appeal, should be reversed; and it being offered, on the part of the Appellant, to pay the Respondent the said *Henry Bertie*, the Money that he paid for the Purchase of the Proprietorship, in question in the said Cause,

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Grants made by the  
Proprietors.

Proposals of Sur-  
render to the King.

together with Interest for the same, it was thereby further ordered, that the Court of Chancery should direct and cause an Enquiry to be made, what was the principal Sum of such purchase Money, and from the Time of Payment thereof to compute Interest for the same ; and on the Appellant's Payment of what shall be found due for such Principal Money and Interest to the said *Henry Bertie*, it was further ordered and adjudged, That he shall convey the said Proprietorship to her, and her Heirs, and also that the Respondent *Elizabeth Moor*, should likewise by proper Conveyances, at the Charges of the Appellant, convey all her Right to the said Proprietorship to the Appellant, and her Heirs: AND Whereas since the Making the said several recited Letters Patents, the Lords Proprietors of the Provinces and Territories aforesaid, for the Time being, have made divers Grants and Conveyances, under their common Seal, of several Offices, and also of divers Parcels of Land, situate within the said Provinces and Territories, to several Persons, under certain Quit-Rents, or other Rents thereby respectively reserved, and subject to several Conditions, Limitations or Agreements, for avoiding or determining the Estates of the Grantees therein mentioned, some of which may have become forfeited, and have also made divers Grants of several Baronies and large Tracts of Land, lying within the said Provinces or Territories, unto and for the Use and Benefit of several of the Lords Proprietors, or those under whom they claim, to be held and enjoyed by them and their Heirs in fealty, Eight of which Baronies so granted as aforesaid, do now remain vested in the said *Henry* now Duke of *Beauford*, or in the same *James Bertie* and *Dodington Greville*, as Trustees for the Purposes aforesaid, or in some or one of them ; Eight other of the said Baronies in the said *William* Lord *Craven* ; Six other Baronies in the present Sir *John Colleton* ; Six other Baronies in the said *Archibald Hutcheson*, (as Trustee for the said *John Cotton*) and Six other Baronies in the said *Joseph Blake*, each of the said Baronies containing, or being mentioned or intended to contain Twelve Thousand Acres of Land or thereabouts, except one of the said Baronies now vested in the said *William* Lord *Craven*, which contains, or is mentioned to contain Eleven Thousand Acres of Land, or thereabouts: AND Whereas the said *Henry* now Duke of *Beauford*, *William* Lord *Craven*, *James Bertie*, *Henry Bertie*, Sir *John Colleton*, and *Archibald Hutcheson*, (who is Trustee for the said *John Cotton* as aforesaid)



aforesaid) being Six of the present Lords Proprietors of the Province and Territory aforesaid, have by their humble Petition to his Majesty in Council, offered and proposed to Surrender to his Majesty their said respective Shares and Interests, not only of and in the said Government, Royalties and Franchises, in and by the said recited Letters Patents granted, but also all the Right and Property they have in and to the Soil in the aforesaid Provinces or Territories, under the said several recited Letters Patents, or either of them; and also did further propose to make an entire Surrender to his Majesty of their Right to all the Lands which they hold under the said Grants made by the said Lords Proprietors, as aforesaid, (except only *one* Barony belonging to the present Sir *John Colleton*, which hath been settled and improved by his Son) and also all their Right and Interest in all Lands granted and conveyed to other Persons, as aforesaid, which, by not being improved within the Time limited in the said Grants or Conveyances, or for any other Reason would revert to them, praying, That in Consideration of such Surrender, his Majesty would be pleased to direct, and cause to be paid to each of them, the said *Henry Duke of Beauford*, *William Lord Craven*, *James Bertie*, *Henry Bertie*, Sir *John Colleton* and *Archibald Hutcheson*, the Sum of Two Thousand Five Hundred Pounds a-piece, without any Deduction; And whereas *Samuel Wragg* of *London*, Merchant, deing duly authorized by Letter of Attorney under the Hand and Seal of the said *Joseph Blake*, bearing Date the Eleventh Day of *July*, One Thousand Seven Hundred and Twenty Eight, hath proposed for and on the Behalf of the said *Joseph Blake*, to surrender and convey unto his Majesty, his Heirs and Successors, all the Estate, Right and Interest of the said *Joseph Blake* in and to the Premises, upon Payment of the like Sum of Two Thousand Five Hundred Pounds to the said *Joseph Blake*, without any Deduction: AND whereas they the said *Henry Duke of Beauford*, *William Lord Craven*, *James Bertie*, *Henry Bertie*, Sir *John Colleton* and *Archibald Hutcheson*, who is a Trustee for the said *John Cotton* as aforesaid, have laid before a Committee of the Lords of his Majesty's most honourable Privy Council, an Estimate of all the Arrears of Quit-Rents, and other Rents, and Sum and Sums of Money now due and owing to them and the said *Joseph Blake*, and to the said *John Lord Carteret*, which Estimate, as computed, amounts to the Sum of Nine Thousand Five Hundred Pounds; and they the said

Exception.

Conditions of  
Surrender.



*Henry Duke of Beauford, William Lord Craven, James Bertie, Henry Bertie, Sir John Colleton, and Archibald Hutcheson,* have likewise humbly proposed, That if his Majesty would please to allow the Sum of Five Thousand Pounds for the said Arrears (over and above the said several Sums of Two Thousand Five Hundred Pounds to be paid them respectively) they were willing to assign and make over to his Majesty their Right and Title to the said Arrears, and all other Demands whatsoever, which they have or can have, upon the Farmers, Tenants or Inhabitants of the Provinces or Territories aforesaid, or any of them; And whereas the said *Samuel Wragg*, for and on the Behalf of the said *Joseph Blake*, hath proposed to assign to his Majesty all the Right and Interest of the said *Joseph Blake*, in and to the said Arrears and Demands, upon the Terms aforesaid: AND whereas his Majesty, taking into his Royal Consideration the great Importance of the said Provinces and Territories to the Trade and Navigation of this Kingdom, and being desirous to promote the same, as well as the Welfare and Security of the said Provinces and Territories, by taking them under the more immediate Government of his Majesty, his Heirs and Successors, hath been graciously pleased to accept of the said several Proposals, and to agree to the same, with such Variations as are herein after mentioned; And whereas from the Nature of the respective Estates and Interests proposed and agreed to be surrendered to his Majesty as aforesaid, great Difficulties may arise in the Manner of Conveying the same, and it is just and necessary that the Parts and Shares of the said Provinces and Territories, so proposed and agreed to be surrendered, should be secured to his Majesty, his Heirs and Successors, which cannot effectually be attained without the Authority of Parliament; **Be it Enacted** by the KING's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all those *seven* undivided *Eighth* Parts [the Whole into *eight* equal Parts or Shares to be divided] and all other the Part or Share, Parts or Shares, Interest and Estates of them the said *Henry Duke of Beauford, William Lord Craven, James Bertie, Dodington Greville, Henry Bertie, Mary Danson and Elizabeth Moor, Sir John Colleton, Archibald Hutcheson,* as Trustee for the said *John Cotton*, and *Joseph Blake*, and each of them, of and in the aforesaid Provinces or Territories called CAROLINA, and all and singular



singular the Royalties, Franchises, Lands, Tenements and Hereditaments and Premises, in and by the said several recited Letters Patents, or either of them granted, or mentioned or intended to be granted by his said late Majesty King CHARLES the Second, to the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton*, deceased, and *Sir William Berkley*, their Heirs and Assigns, as aforesaid, with their and every of their Rights, Members and Appurtenances, and also all such Powers, Liberties, Authorities, Jurisdictions, Pre-eminences, Licences and Privileges, as they the said *Henry Duke of Beauford, William Lord Craven, James Bertie, Dodington Greville, Henry Bertie, Mary Danson and Elizabeth Moor*, the present *Sir John Colleton*, the said *Archibald Hutcheson*, as Trustee for the said *John Cotton*, and *Joseph Blake*, every or any of them, can or may have, hold, use, exercise or enjoy, by Virtue of or under the said recited Letters Patent, or either of them, and also all and singular Baronies, Tracts and Parcels of Land, Tenements and Hereditaments, which they the said *Henry Duke of Beauford, William Lord Craven, James Bertie, Dodington Greville, Henry Bertie, Mary Danson and Elizabeth Moor*, the present *Sir John Colleton*, the said *Archibald Hutcheson*, as Trustee for the said *John Cotton*, and *Joseph Blake*, any or either of them, are or is seized or possessed of or entituled unto, within the said Provinces or Territories, except all such Tracts of Land, Tenements and Hereditaments, as have been at any Time before the first Day of *January*, One Thousand Seven Hundred and Twenty Seven, granted or conveyed by, or comprised in any Grants Deeds, Instruments or Conveyances under the common Seal of the said Lords Proprietors, either in *England*, or in the Provinces aforesaid; and also except all such Plantations and Lands as are now in the Possession of the said *Joseph Blake*, his Under-Tenants or Assigns, by virtue of Grants formerly made by the said Lords Proprietors of the said Provinces for the Time being, to other persons, and since conveyed to or vested in the said *Joseph Blake*; and also except all that Barony and Tract of Land containing Twelve Thousand Acres, or thereabouts, the Possession whereof hath some Time since been delivered by the present *Sir John Colleton*, unto *Peter Colleton Esq;* his second Son, and all that other Barony or Tract of Land containing Twelve Thousand Acres or thereabouts, some Time since conveyed

Exceptions.



conveyed by Sir *John Tyrrel*, Baronet, (formerly Owner of the said *Eighth* Part or Share now belonging to the said *Archibald Hutcheson*, as Trustee for the said *John Cotton*) to *William Wight* Esquire, and his Heirs : Provided, that the before mentioned Exceptions, or any of them, shall not include or extend to any Lands comprised in any Grant or Grants, made either in *England* or *Carolina*, under the common Seal of the Lords Proprietors for the Time being, which, since the making such Grant or Grants, have become forfeited by virtue of any Clauses contained therein, or to any of the Baronies herein before recited, or mentioned to be still remaining and vested in the said *Henry Duke of Beauford*, and the said *James Bertie* and *Dodington Greville* as Trustees, some or one them, and in the said *William Lord Craven*, the present Sir *John Colleton*, and the said *Archibald Hutcheson*, as Trustee for the said *John Cotton*, respectively, nor to any Rents, Services, Seigniories or Rights of Escheats, reserved upon or incident to any such Grant or Grants, or any Lands or Estates thereby granted, all such forfeited Lands, and all such Rents, Seigniories and Rights of Escheat, reserved upon or incident to any such Grant or Grants, or any Lands or Estates thereby granted, and also the Baronies last before mentioned, being hereby intended to be vested in the Persons, and for the Purposes herein after mentioned, and the Reversion and Reversions, Remainder and Remainders, yearly, and other Rents, Issues and Profits of the same Parts or Shares, Baronies, Lands, Tenements, Hereditaments and Premises, so as aforesaid proposed and agreed to be surrendered to his Majesty, and of every Part and Parcel thereof; and also all the Estate, Title, Interest, Trust, Property, Right of Action, Right of Entry, Claim and Demand whatsoever, of them the said *Henry Duke of Beauford*, *William Lord Craven*, *James Bertie*, *Dodington Greville*, *Henry Bertie*, *Mary Danson* and *Elizabeth Moor*, the present Sir *John Colleton*, the said *Archibald Hutcheson*, *John Cotton*, and *Joseph Blake*, and each of them, of, in, unto or out of the same, every or any part or parcel thereof, by virtue of the said several recited Letters Patents, or either of them, or of any Grant, Assignment, Conveyance or Assurance made under or by Force of the same recited Letters Patents, or either of them, or otherwise howsoever, shall from and after the first Day of *June*, One Thousand Seven Hundred and Twenty Nine, be vested and settled, and the same are hereby vested and settled in and upon



upon *Edward Bertie* of *Grays-Inn*, in the County of *Middlesex*, *Samuel Horsey* of the Parish of *Saint Martins in the Fields*, in the County of *Middlesex*, *Henry Smith* of *Caversham* in the County of *Oxon*, and *Alexius Clayton* of the *Middle Temple*, *London*, Esquires, to the only Use of them the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, their Heirs and Assigns, freed and discharged and absolutely acquitted, exempted and indemnified of and from all Estates, Uses, Trusts, Intails, Reversions, Remainders, Limitations, Charges and Incumbrances, Titles, Claims and Demands whatsoever; but nevertheless upon Trust, and to the Intent that they the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, and the Survivors or Survivor of them, and the Heirs of such Survivor, upon Payment by his Majesty, his Heirs or Successors, to the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, or to the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, of the Sum of SEVENTEEN THOUSAND FIVE HUNDRED POUNDS, free and clear of all Deductions, on or before the Twenty-Ninth Day of *September*, in the Year of our Lord One Thousand Seven Hundred and Twenty Nine, shall and do, by Deed indented, and to be inrolled in his Majesty's High Court of Chancery, surrender, convey and assure unto his Majesty, his Heirs and Successors, all and singular the said *seven Eighth* Parts or Shares, [the Whole into *eight* equal Parts to be divided] and all other the Parts or Shares, Interest and Estates of and in the aforesaid Provinces or Territories, and all and singular the Premises hereby vested in them the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, and their Heirs as aforesaid, which said Sum of Seventeen Thousand Five Hundred Pounds they the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, shall immediately after Receipt thereof, pay, apply and dispose of in Manner herein after mentioned, *that is to say*, The Sum of Two Thousand Five Hundred Pounds, part thereof, to the said *James Bertie* and *Dodington Greville*, Trustees as aforesaid, or the Survivor of them, or to the Executors or Administrators of such Survivor; Two Thousand Five Hundred Pounds, other part thereof, to the said *William Lord Craven*, his Executors or Administrators; Two Thousand Five Hundred Pounds, other part thereof, to the said *James Bertie*, in his own Right, his Executors or Administrators;

Proprietors in Trust  
for his Majesty.

The Sum to be  
advanced by his  
Majesty.

The Money how to  
be disposed.



Two Thousand Five Hundred Pounds, other part thereof, unto such Person or Persons, and in such Shares and Proportions as the same, according to the Tenor, Purport and true Meaning of the said Order or Judgment of the House of Lords, ought to be paid and applied; Two Thousand Five Hundred Pounds, other part thereof, to the said Sir *John Colleton*, his Executors or Administrators; Two Thousand Five Hundred Pounds, other Part thereof to the said *John Cotton*, his Executors or Administrators; and Two Thousand Five Hundred Pounds, the Residue thereof to the said *Samuel Wragg*, for the Use of the said *Joseph Blake*, or to the said *Joseph Blake*, his Executors or Administrators.

The Property  
vested in his Majesty  
after Payment.

And be it further Enacted by the Authority aforesaid, That from and after Payment of the said Sum of Seventeen Thousand Five Hundred Pounds to the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and after the Execution of the said Surrender and Conveyance to his Majesty, his Heirs and Successors, hereby directed to be made as aforesaid, his Majesty, his Heirs and Successors, shall have, hold and enjoy all and singular the said *seven Eighth* Parts or Shares [the Whole into *eight* equal Parts to be divided] and all other the Parts or Shares, Interests and Estates, of and in the aforesaid Provinces or Territories, and all and singular the Premises hereby vested in them the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, and their Heirs as aforesaid, freed and discharged, and absolutely acquitted, exempted and indemnified of, from and against all Estates, Uses, Trusts, Intails, Reversions, Remainders, Limitations, Charges, Incumbrances, Titles, Claims and Demands whatsoever.

Arrears of Quit-  
Rents, on Payment  
of 5000 l. to be as-  
signed to the King.

And be it further Enacted by the Authority aforesaid, That *seven Eighth* Parts [the whole into *eight* equal Parts to be divided] of all and every the said Arrears of Quit-Rents and other Rents, Sum and Sums of Money, Debts, Duties, Accounts, Reckonings, Claims and Demands whatsoever now due and owing to them the said *Henry Duke of Beauford*, or to the said *James Bertie* and *Dodington Greville*, Trustees as aforesaid, and to the said *John Lord Carteret*, *William Lord Craven*, *James Bertie* in his own Right, *Henry Bertie*, *Mary Danson* and *Elizabeth Moor*, Sir *John Colleton*, *Archibald Hutcheson*, *John Cotton*, and *Joseph Blake*, or any of them, (whether the same be more or less than is computed as aforesaid) and all and every



every other Parts or Shares of the said *Henry Duke of Beauford*, *James Bertie* and *Dodington Greville*, Trustees as aforesaid, *William Lord Craven*, *James Bertie*, in his own Right, *Henry Bertie*, *Mary Danson* and *Elizabeth Moor*, *Sir John Colleton*, *Archibald Hutcheson*, *John Cotton*, and *Joseph Blake*, or any of them, of or in the said Arrears, or which they or any of them, their or any of their Heirs, Executors, Administrators or Assigns, now have, or can or may have, claim, challenge or demand of or from the Farmers, Tenants or Inhabitants of the Provinces or Territories aforesaid, or any Part thereof, or any of them, shall, from and after the said first Day of *June*, in the Year of our Lord One Thousand Seven Hundred and Twenty Nine, be vested in the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith*, and *Alexius Clayton*, the Survivors or Survivor of them, and the Executors and Administrators of such Survivor, upon Trust, and to the Intent that they the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, shall, on Payment by his Majesty, his Heirs or Successors, of the Sum of Five Thousand Pounds of lawful Money of *Great Britain*, free and clear of all Deductions, on or before the said Twenty Ninth Day of *September*, in the said Year, to the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, by Deed indented and to be inrolled in his Majesty's High Court of Chancery, grant and assign to his Majesty, his Heirs and Successors, all and every the said *seven Eighth* parts or shares [the whole into *eight* equal parts to be divided] and all other parts and shares of the said Arrears hereby vested in them the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*.

AND Whereas the said *Henry Duke of Beauford*, *William Lord Craven*, *James Bertie*, *Henry Bertie*, *Mary Danson*, *Dodington Greville*, *Sir John Colleton*, *John Cotton* and *Joseph Blake*, are desirous that the said Sum of Five Thousand Pounds should be applied in Manner herein after mentioned; Be it further Enacted by the Authority aforesaid, That the said Sum of Five Thousand Pounds, after Receipt thereof, shall be issued and paid by the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, the Survivors and Survivor of them, or the Executors or Administrators of such Survivor, to such of the Officers, Agents or Servants of the said

Lords

The 5000 £. how to be applied.



Lords Proprietors, or to such other person or persons, and for such Purposes as the said *Henry Duke of Beauford, William Lord Craven, James Bertie, Henry Bertie, Mary Danson, Sir John Colleton, John Cotton* and *Joseph Blake*, their Executors or Administrators, or any four or more of them (the Executors or Administrators of each of them to be accounted only as one) shall by Writing or Writings under their Hands, from time to time, direct or appoint.

After Payment, the Arrears vested in his Majesty.

And be it further Enacted by the Authority aforesaid, That from and after Payment of the said Sum of Five Thousand Pounds unto the said *Edward Bertie, Samuel Horsey, Henry Smith* and *Alexius Clayton*, the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and after the Execution of the Grant and Assignment of the said parts and shares of the said Arrears, hereby directed to be made as aforesaid, his Majesty, his Heirs and Successors, shall and may have, receive and enjoy the said *seven Eighth* parts or shares, [the Whole into *eight* equal Parts to be divided], and all and every other parts and shares of the said Arrears of Quit-Rents, and other Rents, Sum and Sums of Money, Debts, Duties, Accounts, Reckonings, Claims and Demands, hereby vested in the said *Edward Bertie, Samuel Horsey, Henry Smith* and *Alexius Clayton*, and shall and may have, use and pursue such and the like Remedies for Recovery thereof, as full and effectually as the said *Henry Duke of Beauford, William Lord Craven, James Bertie, Henry Bertie, Mary Danson, Dodington Greville, Sir John Colleton, Archibald Hutcheson, John Cotton* and *Joseph Blake*, any or either of them, might have, had, used or pursued if this Act had not been made.

The Receipts of the Proprietors in trust, a sufficient Discharge to his Majesty.

And be it further Enacted by the Authority aforesaid, That the Receipt or Receipts of the said *Edward Bertie, Samuel Horsey, Henry Smith* and *Alexius Clayton*, the Survivors or Survivor of them, or of the Executors or Administrators of such Survivor, under their Hands, or his Hands or Hand respectively, shall be a sufficient Discharge to his Majesty, his Heirs and Successors, of and for the said several Sums of Seventeen Thousand Five Hundred Pounds, and Five Thousand Pounds, or so much thereof, or of either of them, as such Receipt or Receipts shall be given for; and that his Majesty, his Heirs and Successors, upon and after such Receipt or Receipts given as aforesaid, shall be absolutely acquitted and discharged of and from the same Monies, and shall not be answerable or accountable for any Loss, Non-application or Mis-application of the said Money, or any part thereof.

Provided



**Provided** always, and **It is hereby Declared and Enacted** by the Authority aforesaid, That the Receipt or Receipts of the said *James Bertie* or *Dodington Greville*, or the Survivor of them, his Executors or Administrators, under his or their Hand or Hands respectively, shall be a sufficient Discharge to to the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, their Executors or Administrators, for the said Sum of Two Thousand Five Hundred Pounds, payable to them for the said *eighth* Part or Share of the said Provinces, Territories, Royalties, Lands and Hereditaments which was vested in the said *Henry* late Duke of *Beauford*, and the said Sum of Two Thousand Five Hundred Pounds shall be and remain subject to the Trusts reposed in them by the Will of the same late Duke, or otherwise, concerning the same *eighth* part or share; but the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, their Heirs, Executors or Administrators, shall not be answerable or accountable for any Loss or Mis-application thereof, or of any part thereof.

And to the former Proprietors.

**Provided** also, and **It is hereby Declared and Enacted**, That the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, shall not, nor shall any of them, or the Executors or Administrators of any of them be answerable or accountable for any Money to be received by virtue of or under the Trusts hereby reposed in them, any otherwise than each Person, his Executors or Administrators, for such Sum or Sums of Money, as he or they shall respectively actually receive, and none of them shall be answerable or accountable for the Acts, Receipts, Neglects or Defaults, of the other of them; and also that they the said *Edward Bertie*, *Samuel Horsey*, *Henry Smith* and *Alexius Clayton*, their Executors or Administrators, shall and may, out of the Money hereby directed to be paid to them as aforesaid, retain and reimburse themselves for all Costs, Charges, Damages and Expences, that they respectively shall sustain, or be put unto, in and about the Execution of the Trusts hereby in them reposed.

One Trustee not accountable for another's Receipts.

AND Whereas there is due and owing to the King's most excellent Majesty, for Arrears of Rent reserved by the said several recited Letters Patents, or one of them, several Sums of Money, computed to amount to Three Hundred Pounds and upwards; **Now it is hereby further Enacted and Declared** by the Authority aforesaid, That the said *Henry Duke of Beauford*, *William Lord Craven*,

Former Proprietors on Payment of the Sums agreed on, acquitted from all Arrears.



*James Bertie, Dodington Greville, Henry Bertie, Mary Danson, Elizabeth Moor*, the present *Sir John Colleton, Archibald Hutcheson, John Cotton* and *Joseph Blake*, and every of them, their and every of their Heirs, Executors and Administrators, respectively, from and immediately after the said Twenty-ninth Day of *September*, One Thousand Seven Hundred and Twenty Nine, (in case the said Sums of Seventeen Thousand Five Hundred Pounds and Five Thousand Pounds, shall then be paid and satisfied, and the Sale hereby intended shall be then compleated) shall be, and are hereby fully and absolutely acquitted and discharged of and from all Arrears of Rent whatsoever, due or owing upon or by virtue of the said recited Letters Patent, or either of them.

Time limited for  
the Surrender.

**Provided** always, and **It is hereby further Enacted and Declared** by the Authority aforesaid, That if his Majesty, his Heirs or Successors, do not or shall not, on or before the said Twenty Ninth Day of *September*, One Thousand Seven Hundred and Twenty Nine, well and truly pay, or cause to be paid, both the several Sums of *Seventeen Thousand Five Hundred Pounds*, and *Five Thousand Pounds*, in Manner aforesaid, and according to the true Meaning of this Act, that then they the said *Edward Bertie, Samuel Horsey, Henry Smith* and *Alexius Clayton*, or the Survivors or Survivor of them, or the Heirs, Executors or Administrators of such Survivor, shall not make such Surrender, Assignment, or Conveyance of the said Seven Eighth Parts or Shares of the said Provinces or Territories, and of the said Arrears, or either of them, to his Majesty, his Heirs or Successors, as hereby is directed, but shall from and after the said Twenty-ninth Day of *September*, One Thousand Seven Hundred and Twenty-nine, stand, and be seized and possessed of all and singular the Premises hereby in them vested, to the only proper Use and Behoof of them the said *Henry Duke of Beauford, William Lord Craven, James Bertie, Dodington Greville, Henry Bertie, Mary Danson, Elizabeth Moor*, the present *Sir John Colleton, John Cotton* and *Joseph Blake*, and every of them, and of their and every of their Heirs, Executors, Administrators and Assigns, in such Shares and Proportions, and according to such respective Rights and Interests, as they severally had, or could have been entituled to, in and unto the same Premises, in case this Act had never been made, and to and for no other Use, Trust, Intent or Purpose whatsoever.

SAVING



SAVING and Reserving to all and every Person and Persons, Bodies Politick and Corporate, their Heirs, Successors, Executors, Administrators and Assigns, [other than and except the said *Henry Duke of Beauford, William Lord Craven, James Bertie, Dodington Greville, Henry Bertie, Mary Danson, Elizabeth Moor, Sir John Colleton, Archibald Hutcheson, John Cotton and Joseph Blake*, their respective Heirs, Executors or Administrators, and the Heirs of their respective Bodies, and all and every person and persons claiming, or to claim any Estate and Interest in the Premises, or any part thereof, in Remainder or Reversion, expectant upon or after the Determination of any Estate tail vested in them the said *Henry Duke of Beauford, William Lord Craven, James Bertie, Dodington Greville, Henry Bertie, Mary Danson, Elizabeth Moor, Sir John Colleton, Archibald Hutcheson, John Cotton and Joseph Blake*, or any of them, and all and every person and persons claiming, or to claim any Estate or Interest in the Premises, or any part thereof, by or under the Title of the said *Henry* late Duke of *Beauford*, deceased] such Satisfaction and Recompence as is herein after mentioned, for all such Estate, Right, Title, Interest, Property, Claim and Demand whatsoever, in, to or out of the Premises, or any part thereof, as they or any of them now have, or might have had or been entitled unto, in case this Act had never been made.

Provided always, And be it further Enacted by the Authority aforesaid, That if any person or persons [other than and except the Persons herein before excepted] who now have, or shall have any Estate, Right, Title, Interest, Claim or Demand, either in Law or Equity, of, in, to or out of the Premises hereby vested as aforesaid, or any part thereof, shall, within the Space of *Seven Years* after the same shall be conveyed unto and vested in his Majesty, his Heirs and Successors, as aforesaid, commence and prosecute any Action in Suit, either in Law or Equity, by Petition of Right, *English Bill*, or otherwise, against his Majesty, his Heirs or Successors, or the proper Officer or Officers, on his or their Behalf, wherein such Persons might or ought to have recovered the Premises hereby vested as aforesaid, or any Part thereof, or any Estate, Interest or Demand, in or out of the same, the Court wherein such Suit or Action shall be commenced or depending, shall and may adjudge or decree, that such person or persons shall recover against his Majesty, his Heirs or Successors, such Sum or Sums of Money, as his or their Estate, Interest or Demand in or about the Premises

Saving Clause.

Persons having Right, suing within *Seven Years*, may recover against his Majesty.



Premises hereby vested as aforesaid, shall by the same Court be valued at and determined to amount unto, in full Satisfaction for such Estate, Interest and Demand; in making which Valuation the said Court shall estimate *one* full *eighth* Part of the Premises hereby vested as aforesaid, to be of the Value of Two Thousand Five Hundred Pounds, and no more, and shall rate and ascertain the Value of such Estate, Interest or Demand in Proportion thereunto.

Exception as to  
Lord Carteret.

SAVING and Reserving always to the said *John* Lord *Carteret*, his Heirs, Executors, Administrators and Assigns, all such Estate, Right, Title, Interest, Property, Claim and Demand whatsoever, in, unto or out of *one Eighth* part or share of the said Provinces or Territories, with all and singular the Rights, Members and Appurtenances thereof, and of, in and to *one Eighth* part or share of all Arrears of Quit-Rents, and other Rents, Sum and Sums of Money, Debts, Duties, Accounts, Reckonings, Claims and Demands whatsoever, now due and owing to the present Lords Proprietors of the said Provinces and Territories, and all such other Rights, Titles, Privileges and Powers whatsoever, as the said *John* Lord *Carteret*, his Heirs, Executors or Administrators, now have, or might have had or been entitled unto, in case this Act, and the Conveyance herein before directed to be made to his Majesty, his Heirs or Successors, or either of them had not been, or should not be made.

And others holding  
Offices.

SAVING also to all and every Person and Persons having or lawfully claiming any Office or Offices, Place or Places, Employment or Employments, by or under any Grant or Grants thereof made before the said First Day of *January*, One Thousand Seven Hundred and Twenty Seven, under the Common Seal of the said Lords Proprietors, either in *England*, or in the Provinces aforesaid, all such Estate, Estate, Right, Title and Interest in or to such Office and Offices, Place and Places, Employment and Employments, as they or any of them now have, or might have had, or been intitled unto, in case this Act had never been made.





# ACTS

Passed by the

## General Assembly

O F

## SOUTH-CAROLINA,

During the

## GOVERNMENT

Of His EXCELLENCY

ROBERT JOHNSON Esq;

*The Second Time of his being Governour.*





Section 21.0  
Lord Gorman

2017-2018

GOVERNMENT



ACTS  
Passed by the  
General Assembly  
OF  
SOUTH-CAROLINA,

AN ACT  
Confirming and Establishing the ancient and  
approved Method of Drawing Juries by Ballot in this Province,  
and for the better Administration of Justice in criminal Causes,  
and for appointing of Special Courts for the Trial of the Causes  
of Transient Persons, declaring the Power of the Provost Marshal,  
for allowing the Proof of Deeds beyond the Seas as Evidence,  
and for Repealing the several Acts of the General Assembly  
therein mentioned.

WHEREAS by the antient, known and fundamental Laws  
and Constitution of the Kingdom of Great Britain, none  
of his Majesty's Subjects shall be taken or imprisoned, or  
disseized of his Free-hold, Liberty or free Customs, or  
shall be out-lawed, exiled or otherwise destroyed, or shall any Judg-  
ment pass upon him without lawful Trial of a Jury by his Peers:  
AND Whereas the equal, indifferent and impartial Method of  
Drawing Juries by Ballot, used and approved in this Province for  
many Years past, hath greatly contributed to the due and upright  
Administration of Justice, and is the surest Means to continue the  
same, We therefore pray your most sacred Majesty, that it may be  
Enacted, and **Be it Enacted** by his Excellency ROBERT  
JOHNSON Esq; Governor, Captain General and Commander  
in Chief in and over his Majesty's Province of South-Carolina, by  
and with the Advice and Consent of this Majesty's honourable  
Council, and the Assembly of this Province, and the Authority of  
the same, That the several Persons whose Names are contained in  
the several Schedules hereunto annexed, and no other person or persons  
whatsoever shall be drawn by Ballot, in pannelled, summoned and  
obliged to serve as Jury-men at the several Courts hereafter mentioned,  
and in such Manner and Form as is herein after directed and prescribed,  
That

Numb. 543.

Preamble.

Enacted,

That the Persons  
named in the fol-  
lowing Lifts shall  
serve as Jury-men  
at Charlestown, viz.



Numb. 543.

## JURY-MEN.

The First List for  
Grand Jury-men,The second List for  
Petit Jury-men,And the third for  
Special Jury-men.Directions for a Box  
with six Divisions  
wherein the Names  
of the Jury-men  
are to be put up.Method of drawing  
the Names of the  
Persons who are to  
serve.

*That is to say,* That the several Persons whose Names are mentioned in the first Schedule or List hereunto annexed, entituled, *A List of Grand Jury-men*, shall be drawn by Ballot, impannelled, summoned and obliged to serve on all ~~Grand~~ Juries at the Court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, to be holden in *Charles-Town*; and the several Persons whose Names are inserted in the second Schedule or List hereunto annexed, entituled, *A List of Petit Jury-men*, shall be drawn by Ballot, impannelled, summoned and obliged to serve on all Juries and Inquests whatsoever, at any of the Courts of Record that shall at any Time hereafter be holden at *Charles-Town*, in this Province; and the several Persons whose Names are inserted in the third Schedule or List hereunto annexed, entituled, *A List of Special Jury-men*, being Inhabitants of the Parish of *St. Philip's Charles-Town*, shall be drawn by Ballot, impannelled, summoned and obliged to serve on all Juries and Inquests at all Special Courts hereafter to be holden in this Province.

II. And be it further Enacted by the Authority aforesaid, That the Chief Justice of this Province shall within *Fifteen* Days next after the Passing of this Act, cause to be written on small pieces of Parchment or Paper, of an equal Size and Bigness, the Names of all the Persons hereby appointed to serve as Jury-men, and having first diligently compared them with the Lists or Schedules hereto annexed, shall cause them to be put into a Box or Chest, to be prepared for that Purpose, with *Six* Divisions made therein, with the Number of each Division mark'd upon the Cover thereof, observing the Method following, *That is to say*, the Names of all the Persons mentioned in the Schedule hereunto annexed, entituled, *A List of Grand Jury-men*, shall be put into the Division in the said Box Numbered *One*, and the Names of all the Persons mentioned in the Schedule or List hereunto annexed, entituled, *A List of Petit Jury-men*, shall be put into the Division of the said Box numbered *Three*, and the Names of the Persons mentioned in the Schedule or List, entituled, *A List of Special Jury-men*, shall be put into the Division in the said Box numbered *Five*.

III. And be it further Enacted by the Authority aforesaid, That the said Chief Justice for the Time being, in the Presence of the Persons hereafter appointed by this Act, shall cause to be drawn by a Child under the Age of *Ten* Years, out of the Division of the aforesaid Box or Chest numbred *One*, the Names of *Thirty* Persons to serve as Grand Jury-men, at every Court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, hereafter to be holden in the Province, beginning at the Division numbered *One*, and drawn out of the said Division till the Names therein are all drawn out, and the said Names so drawn out of the said Division numbered *One*, shall be put into the Division numbered *Two*, and then all the Names of the said Division numbered *Two*, shall be drawn out of the same and again returned into the Division numbered



## JURY-MEN.

Numb. 543.

numbered *One*, and when all the said Names are so drawn out of the Division numbered *Two*, and returned as aforesaid, into the said Division numbred *One*, the said Chief Justice, in the Presence of the Persons herein after named, shall cause the same Names to be drawn again out of the said Division numbered *One* and *Two*, and shall always continue to do the same alternately and successively in the same Order and Method; and the said Chief Justice for the Time being, shall in like Manner cause to be drawn out of the Division in the said Box or Chest numbered *Three*, the Names of *Forty eight* Persons to serve as Petit Jury-men, at the said Court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, beginning at the Division numbered *Three*, and drawing out of the said Division until the Names are all drawn, and then shall return all the said Names into the Division numbered *Four*, and when the Names are so drawn out and returned into the Division numbered *Four*, shall cause the Names contained in the said Division numbered *Four*, to be drawn out of the same, and returned again into the Division numbered *Three*, and shall always after continue to draw the said Names out of the said Divisions numbered *Three* and *Four*, alternately and successively in the same Method and Order.

IV. And be it further Enacted by the Authority aforesaid, That the said Chief Justice for the Time being, shall in the Presence of the Persons hereafter appointed, cause the Clerk of the Crown for the Time being, diligently to enter the Name of every Juror as he shall be drawn, into two distinct Pannels or Columns in the Sessions Book, the Grand Jurors in one Pannel or Column, and the Petit Jurors in the other; and the said Clerk of the Crown shall annex a Pannel or Roll of the Names of the said Jurors, fairly and exactly transcribed from the said Sessions Book, to the Writ of *Venire Facias* to be issued for summoning the said Jurors, in the mandatory Part of which said Writ of *Venire Facias* shall be inserted these Words following, to wit, *the several Persons named in the Pannel to this Writ annexed*; and the said Clerk of the Crown shall forthwith deliver the said Writ with the Pannel annexed, to the Provost Marshal, for the Time being, in order to summons the Jurors therein named, to be and appear at the said Court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, to be holden at the Time by Law appointed next after the Tesse of the said Writ.

V. AND to the End that all Persons whatsoever may have due Notice when the said Jurors are to be drawn to serve at the said Court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, and that all Persons may be satisfied that the said Juries are fairly, indifferently and impartially drawn, according to the true Intent and Meaning of this Act, Be it further Enacted by the Authority aforesaid, That the Jury to be drawn to serve at the General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, appointed to be holden the *third*

VOL. II.

H

Wednesday

The Clerk of the Crown shall enter the Names drawn, in the Sessions Book, annex them to the Writ of *Venire facias* and deliver them to the Provost Marshal.

Time of drawing the Jury to serve at the General Sessions



Numb. 543.

JURY-MEN.

*Wednesday* in *October*, shall be drawn at the usual Place of Judicature in *Charles-Town*, on every *second Tuesday* in *May*, next before the holding the said Court, and before the sitting of the Court of Common Pleas; and the Jury to be drawn to serve at the General Sessions appointed by Law to be holden on the *third Wednesday* in *March*, shall be drawn at the same Place on every *second Tuesday* in *November* next before the holding of the said Court, and before the sitting of the Court of Common Pleas; and publick Notice when the said Jury is to be drawn, shall be given by the Beat of Drum in the four most publick Streets in *Charles-Town*, on the same Day the said Jury is to be drawn.

Twenty three Persons out of 30 summoned, shall serve as a Grand Jury.

VI. And be it further Enacted by the Authority aforesaid, That in case above the Number of *Twenty three* Persons out of the Number of *Thirty*, summoned to serve as Grand Jury-men, shall appear at the said Court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, the Names of the Persons so appearing, after the Defaulters have been called and fined as in this Act is hereafter directed, shall be put in a separate Box or Glass, and the first *Twenty-three* Persons that shall be drawn by a Child under the Age of Ten Years, as is before directed, shall serve as Grand Jurors at the said Court.

And Twelve as Petit Jury men.

VII. And be it further Enacted by the Authority aforesaid, That the Names of the Persons who shall have been duly summoned and shall appear to serve as Petit-Jurors, at the said Court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, after the Defaulters have been called and fined as aforesaid, shall also be put in a distinct and separate Box or Glass, and out of the Names of the Persons so summoned and appearing, the Chief Justice for the Time being, shall cause *Twelve* Persons to be drawn by a Child under the Age aforesaid, and the Persons so drawn, shall serve on all Trials at such Court; but in case any of the Jurors so drawn shall be challenged, and the Challenge allowed, or shall absent themselves, or neglect to attend, that then the Names of other Persons shall be drawn out of the said Box or Glass to fill up and compleat the said Jury.

The same Method to be observed in drawing Jurors to serve at the Courts of Common Pleas.

VIII. And be it further Enacted by the Authority aforesaid, That the Chief Justice for the Time being, shall cause to be drawn out of the Divisions in the aforesaid Box or Glass numbered *Three* and *Four*, *Thirty* Persons to serve as Jurors at every Court of Common Pleas, to be hereafter holden at *Charles-Town*, and shall observe the same Order and Method in drawing the Names of the said Persons as is herein directed for drawing Petit Jury-men at the Court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery.

IX. And be it further Enacted by the Authority aforesaid, That the said Chief Justice for the Time being, shall in the Presence of



## JURY-MEN.

Numb. 543.

of the Persons herein after named, cause the Clerk of the Court of Common Pleas diligently to enter the Names of every Juror as he shall be drawn, into the Docket or Court Book wherein are usually entered the Proceedings of the said Court of Common Pleas, and shall cause the said Clerk to annex a Pannel or Roll of the Names of the Jurors, fairly and exactly transcribed from the said Court Book, to the Writ of *Venire Facias*, in the mandatory part of which said Writ of *Venire Facias*, instead of the Words, *Twelve* free and lawful Men of the Vicinage, shall be inserted these Words following, to wit, *The several Persons named in the Pannel to this Writ annexed*; and the said Clerk of the said Court of Common-Pleas, shall forthwith deliver the said Writ, with the said Pannel or Roll annexed, unto the Provost Marshal for the Time being, in order to summons the Jurors therein named, to be and appear at the Court of Common Pleas to be holden at the Time by Law appointed, next after the Teste of the said Writ; and all Juries hereafter to be drawn to serve at the Court of Common Pleas, shall be drawn on the last Day of the sitting of every Court, and the Jury then drawn shall serve at the Court then next ensuing.

Their Names to be entered in the Court Book, annexed to the Writ and delivered to the Provost Marshal.

X. And be it further Enacted by the Authority aforesaid, That after the Defaulters have been called and fined in the Manner as is herein after directed and appointed, the Names of the Persons who shall have been duely summoned and shall appear, to serve as Jurors at the said Court of Common Pleas, shall be put into a distinct and separate Box or Glais, and out of the Persons so summoned and appearing, the said Chief Justice for the Time being, shall cause a Jury consisting of *Twelve* Persons, to be drawn by a Child under the Age of Ten Years, and the Jury so drawn shall try all Causes that are to be tried at such Court; and in case any of the Jurors so drawn shall be challenged, and the Challenge allowed, or shall absent themselves or neglect to appear after they are so drawn, that then other Persons shall be drawn out of the said Box or Glais, to fill up and compleat the said Jury.

Out of Persons summoned and appearing, 12 shall be drawn.

XI. And be it further Enacted by the Authority aforesaid, That the Number of *Thirty* persons to serve as Jurors at Special Courts of Common Pleas hereafter appointed, shall be drawn out of the Divisions in the aforesaid Box or Chest numbered *Five* and *Six*, and the same Order and Method shall be observed in Drawing, Balloting, Impannelling and Summoning the said Juries for Special Courts, as is herein directed and prescribed for Drawing, Balloting, Impannelling and Summoning the Juries for the Court of Common Pleas.

Method of Balloting Juries for a Special Court.

XII. And be it further Enacted by the Authority aforesaid, That the Provost Marshal for the Time being, shall make due Return of all Writs of *Venire Facias*, to the respective Courts from which such Writs shall issue, and in such Return shall specially and distinctly set forth the Names of all such Persons as he hath summoned by

The Provost Marshal to make Return of all Writs.



Numb. 543.

## JURY-MEN.

Clerks of the Crown  
and the Court of  
Common Pleas,  
what Entries they  
shall make in their  
Books.

by virtue of such Writ or Writs, and the Time when such Summons was served, and also the Names of the Persons that he hath not summoned, together with the Causes why such Persons were not summoned, pursuant to the Command of the Writ or Writs to him directed, on pain of being grievously amerced, to the Truth of which Return the said Marshal, his Deputies, or one of them, as the Case shall require, shall make Oath.

**XIII. And be it further Enacted** by the Authority aforesaid, That the Clerk of the Crown and the Clerk of the Court of Common Pleas for the Time being, respectively, shall make due Entries and Records in their respective Books, of the Appearance of all Jurors, and also shall enter and record the Names of those who shall make default in appearing, and that the said Clerks respectively, shall record the Names of the Jurors that shall be drawn to try each Cause, under the Title of each Cause, which said Record or Entry shall be a Warrant to enter the Postea and Verdict of the Jurors in any Causes tried.

Where the Names  
of the Persons drawn  
are to be kept.

**XIV. AND** to prevent any Persons being drawn out of Course, contrary to the true Intent and Meaning of this Act, **Be it further Enacted** by the Authority aforesaid, That the Names of all the Persons who shall be drawn out of any of the several Divisions in the aforesaid Box or Chest, shall be kept separately and distinctly sealed up with the Seals of the persons herein after named, and shall be put into the Divisions numbered *Two*, *Four* and *Six*, and *One*, *Three* and *Five*, respectively, as the Case shall require, *that is to say*, The Names drawn out of the Division numbered *One*, into the Division numbered *Two*, and the Names drawn out of the Division numbered *Three*, into the Division numbered *Four*, and the Names drawn out of the Division numbered *Five*, into the Division numbered *Six*, and the Names drawn out of the Division numbered *Two*, into the Division numbered *One*, and the Names drawn out of the Division numbered *Four*, into the Division numbered *Three*, and the Names drawn out of the Division numbered *Six*, into the Division numbered *Five*, which shall be and continue to be done at the Drawing of all Juries to serve at the Courts aforesaid respectively.

Penalty on a Juror  
not appearing, or  
refusing to act.

**XV. And be it further Enacted** by the Authority aforesaid, That if any person who shall be drawn, impannelled, summoned and returned to serve as a Juror at any of the Courts aforesaid, according to the Direction of this Act, shall neglect or refuse to appear, or after Appearance shall refuse to act, or shall absent himself without Leave of the Court, that then and in such case it shall and may be lawful for the Chief-Justice for the Time being, to fine such Person in the Sum of (a) *Forty Shillings Proclamation Money*, and Issues, unless such Person can shew good and sufficient Cause of Excuse, to be proved to the Satisfaction of the said Chief Justice, within *Forty Days* after the first Days sitting of the respective Courts herein before mentioned, which said Forfeitures shall be levied by Warrant of Distress under the Hand

(a) *Alter'd,*  
*The Fine*  
*to be three*  
*Pounds,*  
*See T. A.*  
*No. 30, §*  
*11.*



## JURY-MEN.

Numb. 543.

Hand and Seal of the said Chief-Justice, and Sale of the Offender's Goods, or by an Attachment against the Body of such Offender.

**XVI. And be it further Enacted** by the Authority aforesaid, That the Provost Marshal, or his lawful Deputy, shall serve a Summons in Writing under his Hand, on each Jury-man, expressing the Time and Court at which he is to appear, and whether he is to serve as a Grand or Petit Jury-man, or Juror of the Common-Pleas, and the said Provost Marshal shall serve such Summons personally on each Jury-man, or shall leave such Summons at his Dwelling-House or most usual Place of Residence, at least *Fifteen Days* before the sitting of each Court, except Special Courts of Pleas, in which case *Two Days* shall be deemed sufficient Notice, and every Summons served in the Manner herein before directed, and no other, shall be deemed and judged a good and sufficient Summons.

The Provost Marshal shall serve a Summons on each Jury-man, 15 days before the sitting of the Court.

**XVII. And be it further Enacted** by the Authority aforesaid, That if the Provost Marshal or his Deputy (for whom the said Provost Marshal shall answer) shall summons any person whatsoever, to appear to serve as a Jury-man at any Court in this Province, whose Names shall not be inserted in the Pannel annexed to the Writ of *Venire Facias*, to the said Provost Marshal directed, or shall return any person as summoned, who hath not been duly summoned, according to the Directions of this Act, the Chief-Justice for the Time being, on Examination and due Proof of the Matter, in a summary Way in open Court, is hereby authorized and empowered to set a Fine on the Provost Marshal, in the Sum of *Forty Shillings Proclamation Money*, to his Majesty for the Use of this Province, to be recovered by Warrant of Distress under the Hand and Seal of the said Chief Justice, and Sale of the Offender's Goods.

Fine on the Provost Marshal for his Neglect.

**XVIII. And be it further Enacted**, That all Persons who heretofore have been, now are, or hereafter shall be Members of his Majesty's honourable Council, Judges or Assistant Judges in any of the Courts of this Province, and all Members of the Assembly, and Officers of any of the Courts of Justice, during the Time they shall be Members, and during their Continuance in such Offices, and all Persons exempted by the Laws and Statutes of *Great Britain*, shall be exempted and excused from serving on Juries in this Province; and all Challenges and Exceptions to Jurors shall be allowed and admitted as are allowed and admitted by the Laws of *Great Britain*, except the Challenge to the Array, in respect of Partiality, Affinity or Consanguinity of the Provost Marshal.

What Persons are exempted from serving on Juries.

**XIX. And be it further Enacted**, That in case any Person shall be drawn to serve as a Grand Jury-man, and afterwards shall be drawn on the Petit Jury to serve at the same Court, the Name of the Person so drawn on the Petit Jury shall be laid by for that Time, and another shall be drawn in his room, and he shall only serve as a Grand Jury-man at such Court.

Any person drawn as a Grand Jurymen, & afterwards drawn on the Petit Jury, shall only serve as Grand Jurymen.



Numb. 543.

## JURY-MEN.

Three Keys to the Jury-Box one to be kept by the Chief-Justice, the other by the publick Treasurer, the third by the Coroner of Berkley County.

XX. And be it further Enacted by the Authority aforesaid, That the Box or Chest containing such Divisions for holding the Names of the Jurors, as by this Act is directed and appointed, shall have *three* several Locks, and *three* several Keys, and *one* Key shall be kept by the Chief Justice of this Province, for the Time being, the *other* by the publick Treasurer of this Province, for the Time being, and the *third* by the Coroner of *Berkley* County, for the Time being, and the said Box or Chest shall never be opened, nor shall any Jury whatsoever ever be drawn or impannelled but in their Presence, except in the Case of Death, Sicknes or some unavoidable Accident occasioning their Absence, in which case the Key or Keys appointed to be kept by the person or persons absent, shall be committed to and remain in the Care of one or more of the Assistant Judges of the Court, in *Charles-Town*, during the Absence of such person or persons; and the said Assistant Judge or Judges are hereby invested with the same Powers and Authorities, during the Absence of such person or persons, to all Intents and Purposes relating to the Drawing and Impannelling of Juries, as the Chief-Justice, publick Treasurer or Coroner of *Berkley* County, could or might have if personally present.

The Papers, containing the Names of persons who shall dye or depart this Province, to be destroyed.

XXI. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Chief-Justice, publick Treasurer and Coroner of *Berkley* County, to tear and destroy the Rolls or Pieces of Paper that shall be drawn wherein are contained the Names of any persons who shall dye or depart from this Province.

A new List to be made at the End of three Years, out of what Persons, and by whom.

XXII. And be it further Enacted, That it shall and may be lawful for the said Chief-Justice, publick Treasurer and Coroner of *Berkley* County, once at the End of every *three* Years, after passing this Act, to make and appoint a new List of Jury-men to serve at the several Courts herein before mentioned, observing the Order and Method following, *that is to say*, They shall transcribe from the Tax List of the preceeding Year, which shall remain in the Office of the publick Treasurer, the Name of every Person who shall have paid the Sum of *Twenty Shillings* current Money, or upwards, for his Tax last preceeding, and out of the persons who shall have paid the Sum of *Five Pounds* current Money, or upwards, for their last preceeding Tax, they shall make a List of Grand Jurors, and shall put their Names in the Manner by this Act directed, into the Division numbered *One*: *Provided* nevertheless, that the Number of the Grand Jurors do not exceed one Half of the Number contained in the List of the Petit Jurors; and all the Names of the Persons who shall have paid the Sum of *Twenty Shillings*, or upwards, for the Tax as aforesaid, that shall remain after the List of the Grand Jurors shall be perfected, shall be put in the Manner by this Act before directed, into the Division numbered *Three*, and shall be drawn to serve as Petit Jury-men, as before in this Act is directed; and all the Names of all the persons who shall pay the Tax above mentioned, and shall be Inhabitants of



## JURY-MEN.

Numb. 543.

of the Parish of *St. Philip's Charles-Town*, shall in the like Manner be put into the Division numbered *Five*, and shall serve as Jury-men at Special Courts, as in this Act is before directed: *Provided* nevertheless, that nothing herein contained shall be construed or extend to give the said Chief-Justice, publick Treasurer or Coroner of *Berkley* County, any Power or Authority to appoint any new List of Jury-men, if the General Assembly at any Time, during the Space and before the End of any of the said Terms of *Three* Years, shall appoint and establish any new List or Lists of Jury-men; but the said Chief-Justice, publick Treasurer and Coroner of *Berkley* County, shall only have Power to appoint such new Lists in case the General Assembly shall not think fit to appoint any new Lists, during the Space or before the End of the said respective Terms herein before appointed for doing the same: *Provided* also, that all persons who are named in the List hereunto annexed, shall remain in their respective Divisions if they shall be alive and in this Province.

**XXIII.** And be it further Enacted by the Authority aforesaid, That the Chief-Justice and Justices of the Peace, for the Time being, shall and are hereby impowered to summons any Jury or Juries on Special Occasions, for Inquests of Office, Inquests on forceable Entries and Detainers, and other special Inquests the said Juries shall be drawn out of the Division numbered *Five* or *Six*, in Manner herein before directed, on Application made by the Persons before whom such Inquests are to be taken, to the said Chief Justice and Justices of the Peace for the Time being, and Notice given at the most publick Place in *Charles-Town*, of the Time and Place, when and where such Jury or Juries are to be drawn, at least *Six* Days before such Jury or Juries shall be drawn; and the same Method and Order shall be observed in Drawing, Impannelling and Summoning such Juries, as is herein before directed and appointed for Drawing, Summoning and Impannelling Juries at Special Courts, and no Juries or Inquests, (except Coroners Inquests) shall be drawn in any other Manner whatsoever.

**XXIV.** And be it further Enacted, That in case the said publick Treasurer, or Coroner of *Berkley* County, shall neglect or refuse to give due Attendance to draw and impannel any Jury appointed by this Act to be drawn and impannelled, when they shall receive Notice and a Summons from the Chief-Justice, Justices of the said Court, or Justices of the Peace for the Time being, for that purpose, which Notice and Summons the said Chief Justice, Justices of the said Court, or Justices of the Peace for the Time being, is hereby authorized and required to issue as often as there shall be Occasion, that then the the said publick Treasurer and Coroner of *Berkley* County, and each of them, shall respectively forfeit the Sum of *Ten Pounds Proclamation* Money, to his Majesty for the Use of this Province, for every such Neglect or Refusal, for the Recovery whereof, the said Chief-Justice may issue an Attachment as for a Contempt or Disobedience of a Rule of Court.

XXV.

Juries to be summoned on special Occasions, by whom, and out of what Divisions to be drawn.

Forfeiture on the public Treasurer or Coroner for not giving attendance at the drawing of any Jury.



Numb. 543.

## JURY-MEN.

Penalty on the Provost Marshal.

XXV. And be it further Enacted by the Authority aforesaid, That in case the Provost Marshal shall neglect to summons any person named or inserted in the Pannel annexed to any Writ or Writs of *Venire Facias*, that shall be hereafter to him directed, it shall and may be lawful for the Chief Justice to set a Fine on the said Provost Marshal, for every person so neglected to be summoned, according to the Directions of this Act, in any Sum not exceeding *Forty Shillings Proclamation Money*, to be recovered by Warrant of Distress under the Hand and Seal of the said Chief Justice, and Sale of the said Provost Marshal's Goods, to his Majesty for the Use of this Province.

The persons named in the List, or hereafter to be named shall be deemed qualified to serve as Jurymen.

XXVI. And be it further Enacted by the Authority aforesaid, That the several Persons whose Names are mentioned and contained in the List or Schedules hereunto annexed, and all Persons who hereafter shall be named and appointed to serve as Jury-men by the General Assembly, or by virtue of any Power and Authority given to any person or persons by this Act, shall be deemed and taken to be qualified to serve and act as Jury-men on all Trials and Inquests whatsoever, whether the same Inquests and Trials are directed and appointed to be had and taken by virtue of the Common Law, or any Acts or Statutes made in the Kingdom of *Great Britain*, extended to and made of Force in this Province, notwithstanding that the Persons named in the Lists or Schedules to this Act annexed, or the Persons who shall be hereafter named and appointed to serve as Jury-men by the General Assembly, or by virtue of any Power or Authority given to any person or persons by this Act, have not such Qualifications as to Lands and Tenements, as in the said Laws, Acts and Statutes are particularly required; *Provided* nevertheless, That this Act shall not be construed, or extend to debar or preclude any person from their lawful Challenges and Exceptions to the said Jurors in any other Respect.

Provided that this Act shall not debar any person from his lawful challenges

A sufficient number of Jurors not appearing, the number wanting to be drawn out of the Divisions numbered 5 or 6.

XXVII. And be it further Enacted, That in case it shall happen at any of the Courts herein before mentioned, a sufficient Number of Jurors shall not appear of those who are named in the Pannel annexed to the *Venire Facias*, it shall and may be lawful for the Chief Justice to order the Number that are wanting, to be drawn by Ballot out of the Divisions numbered *Five* or *Six*; and in case of Challenges or Non-appearance, to draw others out of the said Divisions, till the Jury shall be compleatly filled.

XXVIII. AND Whereas his late Majesty King CHARLES the Second, by his Royal Charter granted to the late Lords Proprietors of this Province, did give full Power and Authority to the said late Lords Proprietors to grant Liberty of Conscience and Indulgence to the Inhabitants of this Province; And whereas the General Assembly of this Province, by several (a) Acts, have *Enacted*, that all his Majesty's Protestant Subjects should enjoy the full and free Liberty of their Consciences, and have indulged such of the Inhabitants as scrupled

(a) Numb. 154, 96.



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Numb. 543.

(b) See No.  
119, § 9.  
231, § 26  
|| No 232,  
§ 4 419,  
§ 10.

scrupled to take an Oath, by their laying their Hand on the Holy Evangelists, to make a solemn Declaration according to the Form of their Profession, the (b) last || of which said Acts has been confirmed by the late Lords Proprietors, pursuant to the Powers and Authorities given and granted to them by the Royal Charter, under which Encouragement many of his Majesty's good and faithful Protestant Subjects, of scrupulous Consciences, have come and settled in this Province, and have for many Years past, freely and quietly enjoyed the said Toleration and Indulgence of declaring the Truth according to the Form of their Profession, granted and confirmed to them as aforesaid, **Be it further Enacted** by the Authority aforesaid, That any Person who shall appear in any of the Courts of Justice, or before any Judge or Magistrate in this Province, either as Juror, Witness, Party or otherwise, in any Cause civil or criminal, and shall make a solemn and conscientious Declaration and Affirmation according to the form of his Profession, in any Matter, Cause or Thing wherein an Oath is required by Law, such solemn and conscientious Declaration and Affirmation shall be deemed, held and judged, and taken as valid and effectual, to all Intents, Constructions and Purposes whatsoever, as if such person had taken an Oath on the Holy Evangelists of Almighty God, and that all and every such person and persons as shall be convicted of falsely and corruptly affirming and declaring any Matter and Thing, which if the same had been an Oath taken on the holy Evangelists, would by Law amount to wilful and corrupt Perjury, shall incur the same Penalties, Disabilities and Forfeitures as persons convicted of wilful Perjury do incur by the Laws of *Great Britain*.

**XXIX. And be it further Enacted** by the Authority aforesaid, That the Chief Justice for the Time being, the assistant Judges of the Court of *Charles-Town* for the Time being, the publick Treasurer for the Time being, and the Coroner of *Berkley* County for the Time being, the Clerk of the Crown, the Clerk of the Court of Common Pleas, the Provost Marshal for the Time being, and all other Officers and Persons whatsoever, who are any ways concerned in the Drawing, Balloting, Impannelling or Summoning of Juries, shall within *Twenty* Days after passing this Act, take a solemn Oath for the due and faithful Execution of this Act, and that they will truly, diligently and uprightly put the same in Execution, and all succeeding Chief Justices, Judges and Assistant Judges of any of the Courts of Law in this Province, publick Treasurers, Coroners of *Berkley* County, Clerks of the Crown, Clerks of the Courts of Common-Pleas and Provost Marshal, and all other Officers who shall or may hereafter be any ways concerned in Drawing, Balloting, Impannelling or Summoning of Juries, shall severally take such Oath before they enter on the Execution of their several and respective Offices, before the Governor or Commander in Chief of this Province for the Time being, or before such other person or persons as by him or them shall be lawfully authorized to administer such Oath, on pain of being rendered incapable of holding and enjoying their respective Offices, and also the Forfeiting the Sum of *One Hundred Pounds Proclamation* Money, to his Majesty for the Use of this Province.

A solemn Affirmation in Court shall be as valid as an Oath, and the Person falsely affirming shall incur the same Penalties as for Perjury.

All the persons herein named shall take a solemn Oath for the due & faithful Execution of this Act, on Penalty.



Courts of General Sessions of the Peace, Oyer and Terminer Assize and general Goal Delivery, in Charles-Town, when to be holden.

XXX. AND whereas it is absolutely necessary for preserving the Peace, Tranquility and good Government of this Province, that a Court should be established and invested with proper and ample Powers to execute Justice in criminal Causes in this Province, **It is therefore further Enacted** by the Authority aforesaid, That from henceforth there shall be erected, established and holden in *Charles-Town*, in this Province, a Court of Record by the Name and Stile of *the Court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery*, and the said Court shall always hereafter be holden before the Chief Justice of this Province for the Time being, and two or more assisting Judges to be commissioned for that Purpose, by his Majesty, his Heirs or Successors, or by the Governour and Commander in Chief of this Province for the Time being; and the said Court shall sit twice in every Year, *that is to say*, On the *Third Wednesday* in *March*, and on the *Third Wednesday* in *October*, and shall adjourn *De die in diem*, until all Trials and other Business that is to be dispatched and transacted by Juries shall be finished, and then the said Court may adjourn to any further Days or Times for giving Judgment, awarding, executing or doing any other lawful and necessary Business belonging to the said Court, about which the Attendance of Juries is not required by Law.

Power, Jurisdiction and Authority of the said Court.

XXXI. And be it further Enacted by the Authority aforesaid, That the said Court shall and lawfully may have, hold, use and exercise all and singular the Powers, Jurisdictions and Authorities in all Causes or Matters capital or criminal arising within this Province, in as full and ample a Manner, to all Intents and Purposes whatsoever, as any Judges or Justices of the Court of King's Bench, Justices of Assize, Justices of Oyer and Terminer and Goal Delivery, or any Court of General and Quarter Sessions of the Peace, do, can or lawfully may have, hold, use, exercise and enjoy in the Kingdom of *Great Britain*: *Provided* nevertheless, that this Act, nor any Thing herein contained, shall extend or be construed to give any Power or Authority to the said Court to execute or put in force any Statute of *Great Britain* wherein the Plantations in *America* are not particularly and specially named, or which do not by the Intent or Purview of such Statute, extend to the said Plantations, or which is not extended or made of force here by the Laws of this Province, or shall be hereafter so extended and made of force.

Proviso.

The assistant Judges being absent, the Chief Justice may hold the said Court.

XXXII. And be it further Enacted by the Authority aforesaid, That in case the assisting Judges or any of them, who shall be appointed to set in the said Court, shall happen to be absent, that then it shall and may be lawful to and for the Chief-Justice for the Time being, to hold the said Court, and to exercise all the Powers, Jurisdictions and Authorities given by this Act, in as full and ample Manner, to all Intents and Purposes whatsoever, as if the said Assistant Judges were present and did sit in Judgment with the said Chief-Justice.

XXXIII.



## JURY-MEN.

Numb. 543.

**XXXIII.** And be it further Enacted by the Authority aforesaid, That in case any Person shall be summoned by Subpœna, or other lawful Process, to appear to give Evidence against any person at the Court of General Sessions aforesaid, and shall neglect to appear and give Evidence according to such Summons, shall forfeit the Sum of *Ten Pounds Proclamation Money*, with such Damages as shall occur to the Plaintiff or Defendant to such Summons, or if any persons so summoned or bound over by Recognizance to give Evidence, shall appear and refuse to give Evidence in the said Court, it shall and may be lawful for the said Court to set a Fine upon such Offender, not exceeding the Sum of *One Hundred Pounds Proclamation Money*, to his Majesty for the Use of this Province, and may commit the Offender until Payment thereof be made, together with the lawful Fees of such Commitment: *Provided*, That this Act shall not extend to any Person who shall be summoned or bound by Recognizance to appear as a Witness, to give Evidence against any Person who shall be accused, indicted, arraigned or tried for Treason, Felony or other capital Offence, for which the Offender, on Conviction, is liable to suffer the Pains of Death, but that every Witness who shall refuse or neglect to appear or give Evidence in such case, shall be dealt with according to the Order of the common Law.

Penalty on persons summoned to give Evidence, and not appearing.

Proviso.

**XXXIV.** And be it further Enacted by the Authority aforesaid, That in case any Person shall hereafter commit any Misbehaviour or Contempt in the said Court, or in any other Court of Judicature in this Province, by Word or Gesture, it shall and may be lawful for the Judges of every such Court, to set a Fine on such Offender in any Sum not exceeding *Ten Pounds Proclamation Money*, to his Majesty for the Use of this Province, and may commit the Offender till Payment as aforesaid; but if any Person shall in the Face, and during the sitting of the said Court, shall so far forget the Reverence and Regard due to his Majesty's Authority, as to strike or use any Violence in the said Court, that then every such Person so offending, shall be fined at the Discretion of the said Courts, and shall be committed till Payment.

Fine on Persons mis-behaving in any Court, or striking in the Face of the same.

**XXXV.** And be it further Enacted by the Authority aforesaid, That all Constables in this Province shall be appointed in such Number, and for such Places as the Chief-Justice for the Time being, and the Judges of the said Court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, shall from Time to Time in their Discretion think fit.

Constables to be appointed by whom.

**XXXVI.** And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Governour or Commander in Chief of this Province for the Time being, and the said Governour and Commander in Chief is humbly desired, upon the Petition in Writing of any transient Person who hath not lived and resided in this Province above the Space of *three Months*, and upon Oath made by

Special Court for transient persons, how to be holden.



Numb. 543.

## JURY-MEN.

by such person, that he intends to depart this Province within the Space of *Ten Days* after the preferring such Petition, to order the Chief Justice for the Time being, to hold (c) a Special Court of Common Pleas, for Hearing, Trying and Determining all Causes wherein such transient person shall or may be concerned or interested, and the Chief Justice is hereby required to give due Obedience to such Order, and the said Special Court of Common Pleas shall sit *de die in diem*, until all the Causes wherein such transient persons are concerned or interested, shall be heard, tried and finally determined, and the said Special Court of Common Pleas is hereby authorized to make such summary Rules and Orders in such Causes, as shall be agreeable to Justice, and may tend and contribute to expedite such Causes, notwithstanding the Writ or other Process shall or may be made returnable at any Day that is to come after the Time or Times appointed for the sitting of the said Special Court of Common Pleas, and no Judgment given in any such Causes, shall be arrested or stayed for or by reason of any Discontinuance or Miscontinuance whatsoever: *Provided*, That all persons who are parties to any such Causes or Suits, have due and convenient Notice of such Rules and Orders aforesaid, and have reasonable and convenient Time allowed them to do and transact all Matters that are necessary and allowable by Law, in the prosecution or defence of their respective Suits.

(c) See No. 318, ¶ 2.

The Provost Marshal subject to the same Penalties as the Sheriffs in *Great Britain*.

XXXVII. AND whereas the Provost Marshal in this Province now is, and for many Years last past hath been invested with and executed the several Powers and Authorities, and hath enjoyed, had, received and taken the same Fees, Perquisites, Privileges, Liberties and Immunities as the Sheriff, Under-Sheriff and Goal-Keeper in the several Counties in *Great Britain*, do hold, use, exercise and enjoy, and for that reason ought to undergo the same Burthens, and to be subject and liable to the like Penalties and Forfeitures, **Be it therefore further Enacted** by the Authority aforesaid, That the Provost Marshal of this Province for the Time being, shall be subject and liable to all Actions, Suits, Fines, Forfeitures, Penalties and Disabilities whatsoever, which any Sheriff, Under-Sheriff or Goaler is liable or subject to, or may incur by the Laws and Statutes of *Great Britain*, for and in respect of the Escapes of Prisoners, or for or in respect of any other Matter or Thing whatsoever relating to or concerning their several and respective Offices.

Publick Prison.

XXXVIII. And be it further Enacted by the Authority aforesaid, That the House of the Provost Marshal, or any other place which he shall publicly use and appoint for keeping Prisoners, shall be held, deemed and adjudged in all respects, and to all Intents and Purposes whatsoever, the publick and provincial Goal in this Province, until a publick or provincial Goal shall be built, and that the Provost Marshal for the Time being, shall and may use and execute all the Powers and Authorities, and shall have and enjoy all the Rights and Priviledges which any Sheriff, Under-Sheriff or Goaler in *Great Britain*, may, can or ought to use, exercise, have or



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or enjoy, in and about the Ordering and Keeping the respective Goals, and for preventing the Escapes of Prisoners, or for or in respect of any other Matter or Thing, concerning or relating to their several and respective Offices, so far as the same are agreeable to the Laws, Usages and Customs of this Province.

XXXIX. And be it further Enacted, That a Statute, made in that part of the Kingdom of *Great-Britain* commonly called *England*, in the *Eighth* and *Ninth* Years of the Reign of King *William* the third, intituled, (d) *An Act for the more effectual Relief of Creditors in Cases of Escapes, and for preventing Abuses in Prisons and pretended priviledged Places*, is hereby made of Force and required to be put in Execution in this Province.

The Statute of the 8th and 9th of K. *William* III. made of force in this Province.

XL. And be it further Enacted by the Authority aforesaid, That all Exemplifications of Records and all Deeds and Bonds or other Specialties, all Letters of Attorney, Procuration or other Powers in Writing, and all Testimonials which shall at any time hereafter be produced in any of the Courts of Judicature in this Province, and shall be attested to have been proved upon Oath under the Corporation Seal of the Lord Mayor of *London*, or of any other Mayor or Chief Officer of any City, Borough or Town Corporate, in any of his Majesty's Dominions, or under the Hand of the Governour and publick Seal of any of his Majesty's Plantations in *America*, or under the notorial Seal of any Notary Publick, shall be deemed and adjudged good and sufficient in Law, in any of the Courts of Judicature in this Province, as if the Witnesses to such Deeds were produced and proved the same *viva voce*.

Proof of any Deed, &c.

XLI. And be it further Enacted, by the Authority aforesaid, That all the Fines and Forfeitures which shall arise and accrue by Virtue of this Act, where the same are not particularly appropriated or disposed of, or the Method of recovery appointed, shall be given *one* Moiety thereof to his Majesty, his Heirs and Successors for the Use of this Province, and the other Moiety to him or them that will sue for the same, to be recovered by Action of Debt, Bill, Plaint or Information wherein no *Essoign*, Protection, Priviledge or Wager of Law or *Non vult Ulterius Prosequi* shall be admitted or allowed, or any more than *One* Imparlance.

Fines & Forfeitures how to be recovered and disposed of.

XLII. AND whereas by an Act, intituled, (e) *An Act to provide indifferent Jury-Men in all Causes Civil and Criminal*, it is ordered and directed, That a Grand and Petit Jury shall be drawn out of the Jury Box the last Day of the proceeding Sessions, which for want of a sufficient Number in the Box, and the Box being broken open could not be done, Be it therefore Enacted, by the Authority aforesaid, That it shall and may be lawful for the Chief Justice, and he is hereby impowered and directed to cause (f) a Grand and Petit Jury to be drawn, to serve at the said next Sessions of Oyer and Terminer and General Goal Delivery, to be holden in *Charles-Town*

A Grand and Petit Jury to be drawn to serve at the next Sessions.

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(d) 8 & 9  
GVL. 3.  
C. 26.

(e) No 119  
§ 3.

(f) See No.  
553, § 1.



Numb. 543.

## JURY-MEN.

the said *third Wednesday* in *October* next, and also a Jury to serve at the next Court of Pleas, to be held the *second Tuesday* in next, as soon as conveniently may be after the Ratification of this Act, and that the Lists are prepared, finished and put into the Balloting-Box, to be drawn as is by this Act directed, and which Grand and Petit Juries shall be held and deemed legal Juries, for trying and determining all such Causes, civil and criminal, as shall be laid before them, any Thing in this or any other Law to the contrary notwithstanding: And no Process or Proceedings whatsoever that now is or was depending at the Court of General Sessions, Assize and General Goal Delivery, holden on the *third Wednesday* in *March* last, and adjourned to the *third Wednesday* in *October* next, shall be discontinued or made void, but that all such Process and Proceedings as were then depending at the said Court of General Sessions, Assize and Goal Delivery, shall by force and virtue of this Act, be adjourned and continued to the said Court of General Sessions of the Peace, Oyer and Terminer, and General Goal Delivery, appointed by this Act to be holden on the said *third Wednesday* in *October* next ensuing, and shall then and there be proceeded on, heard and determined, in as full and ample a Manner as if the said Court of General Sessions, Assize and General Goal Delivery, had been continued to be holden in the usual Course, and the said Court of General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery by this Act appointed, erected and established, are hereby fully authorized and empowered to proceed on, hear and determine all Causes, Pleas, Process, Matters and Things whatsoever, which were depending at the said Court of General Sessions, Assize and General Goal Delivery, on the said *third Wednesday* in *March* last, any Law, Usage or Custom to the Contrary in any wise notwithstanding.

XLIII. AND whereas many innocent persons under criminal Prosecutions, may suffer for want of Knowledge in the Laws, how to make a just Defence: And whereas the Judges and Justices of the several Courts here, who ought to assist the Prisoner in Matters of Law, cannot be presumed to have so great Knowledge and Experience as the great Judges and Sages of the Law sitting in his Majesty's Courts at *Westminster*, for which Reasons persons under criminal Prosecutions ought to have proper Assistance, and all just and equal Means allowed them to defend their Innocencies, **Be it therefore Enacted** by the Authority aforesaid, That all and every person and persons that shall be accused and indicted for High-Treason, Petit-Treason, Murder, Felony or other capital Offence whatsoever, shall have a true Copy of the whole Indictment, but not the Names of the Witnesses, delivered to them, or any of them, *three* Days at least before he or they shall be tried for the same, whereby to enable them, or any of them respectively, to advise with Council thereupon, his or their Attorney or Attornies, Agent or Agents, or any of them, requiring the same and paying the Officer his reasonable Fees for Writing thereof, paying the usual Fees for the Copy of every such Indictment; and that every such person so accused

Persons indicted for High-Treason or other capital Offence, shall have a Copy of their Indictment, and make his Defence by Council learned in the Law.



## JURY-MEN.

Numb. 543.

accused and indicted, arraigned or tried for any such Treason, Murder, Felony or other capital Offence whatsoever, as aforesaid, shall be received and admitted to make his and their full Defence, by Council learned in the Law, and to make any proof that he or they can produce by lawful Witness or Witnesses, who shall then be upon Oath, for his and their just Defence in that Behalf; and in case any person or persons so accused or indicted, shall desire Council, the Court before whom such person or persons shall be tried, or some Judge of that Court shall and is hereby authorized and required, immediately upon his or their Request, to assign to such person and persons, such and so many Council not exceeding two, as the person or persons shall desire, to whom such Council shall have free access at all reasonable Times, either before, at or after the said Trial, any Law or Usage to the Contrary notwithstanding.

XLIV. And be it further Enacted, That all and every person and persons who shall be accused, indicted or tried for any such Treason, Murder, Felony or other capital Offence whatsoever, shall have the like Process of the Court where he or they shall be tried, to compel their Witnesses to appear for them at any such Trial or Trials, as is usually granted to compel Witnesses to appear against them.

Their Witnesses to be compelled to appear.

XLV. And be it further Enacted by the Authority aforesaid, That an Act of the General Assembly of this Province, entituled, (a) *An Act to provide indifferent Jury-men in all Causes civil or criminal*, passed on January the Seventeenth, One Thousand Six Hundred Ninety Four, Five; and another Act of the General Assembly, entituled, (b) *A declaratory and additional Act to provide indifferent Jury-men in all Causes civil or criminal*, passed March the Tenth, One Thousand Six Hundred Ninety Six and Seven; and another Act of the General Assembly, entituled, (c) *An additional Act to provide indifferent Jury-men in all Causes civil and criminal*, passed February the Third, One Thousand Seven Hundred One and Two, and (d) *An Ordinance of the General Assembly directing the Manner how the Juries shall be drawn*, made on the said Third Day of February, Anno One Thousand Seven Hundred One and Two; and another Act of the General Assembly, entituled, (e) *An additional Act to the Act to provide indifferent Jury-men*, passed November the Fourth, One Thousand Seven Hundred and Four, and (f) *An Ordinance of the General Assembly directing the Manner how the Juries shall be drawn*, made on the same fourth Day of November, One Thousand Seven Hundred and Four; and (g) *An Ordinance of the General Assembly directing the Manner how the Juries shall be drawn*, made May the Seventh, One Thousand Seven Hundred and nine; and another Act of the General Assembly of this Province, entituled, (h) *An additional Act to an Act, entituled, An Act to provide indifferent Jury-men in all Causes civil and criminal*, passed June the Seventh, One Thousand Seven Hundred and Twelve; and another Act of the General

The within mentioned Acts Repealed.

(a) No. 119

(b) No. 151

(c) No. 193

(d) No. 194

(e) No. 239

(f) No. 240

(g) No. 292

(h) No. 317



Numb. 543.

## JURY-MEN.

General Assembly, entituled, (i) *An Act to prevent Prisoners from making Escapes, and to appoint Sessions and Goal Delivery twice every Year*, passed March the First, One Thousand Seven Hundred, and One Thousand Seven Hundred and One; and also so much as yet remains in Force of another Act of the General Assembly, entituled, (k) *An Act for the Adjournment of the General Sessions to be holden on Wednesday the Eighteenth of this Instant October, and directing how the General Sessions may be at any Time adjourned for the future*, passed October the Eighteenth, One Thousand Seven Hundred and Four; and another Act of the General Assembly, entituled, (l) *An Act for the better ordering and holding the Court of General Sessions, Assize and Goal Delivery, and the Court of Common Pleas in this Province*, are, and each and every of the said Acts and Ordinances, and the said part of an Act, are hereby *Repealed, Annulled* and made *Void* to all Intents and Purposes whatsoever: *Provided* always, That nothing in this Act shall be construed or extend to oblige the several Persons (m) in the Lists hereunto annexed named, who live within the Limits and Jurisdiction of the several County and Precinct Courts, and are obliged by Law to serve on Juries at the said Courts, to appear or be attendant on Juries at the Court of Common Pleas to be holden in *Charles-Town*, or to empower the aforesaid Court of General Sessions in *Charles-Town*, to appoint Constables for any place or places within the Jurisdiction of the said County and Precinct Courts.

(i) No. 180

(k) No. 228

(l) No. 318

(m) *Altered, The Persons mentioned to serve as Jury men who live within the Limits of the several then Precinct Courts, notwithstanding such Disposition are now obliged to serve in the Court of Common Pleas at Charles-Town. See Num 549, ¶ 1 Excepting the County and Precinct of Port-Royal.*

## A LIST of Grand Jury-Men.

Andrew Allen,  
Robert Austin,  
Miles Brewton,  
Eleazer Allen,  
Robert Brewton,  
John Ballantine,  
Joseph Boon,  
John Bee,  
Stephen Beadon,  
Thomas Gadsden,  
Daniel Green,  
Charles Hill,  
Richard Hill,  
Charles Hart,  
Isaac Holmes, *Capt.*  
David Hext,  
William Harvey,

John King,  
Thomas Lloyd,  
John Lawrence,  
Solomon Legree, *sen.*  
Henry Beadon,  
Othniel Beale,  
John Breton,  
Thomas Binford,  
Francis Le Brasseur,  
John Baker,  
Thomas Cooper, *Mercht.*  
Benja. De la Conseillere,  
Edward Crofts,  
Thomas Lamboll,  
George Lee,  
Isaac Lewis,  
Anthony Mathews, *jun.*

James



## JURY-MEN.

Numb. 543.

James Mathews,  
 Richard Mason,  
 James Mackewn,  
 Isaac Mazyck, *jun.*  
 Gabriel Manigault,  
 John Moor,  
 Joseph Moody,  
 Jacob Motte,  
 Daniel Cartwright,  
 James Crockatt,  
 Isaac Chardon,  
 Lawrence Dennis.  
 Benja. D' Haricette,  
 Philip Dawes,  
 George Ducatt,  
 Paul Douxfaint,  
 John Dart,  
 Joseph Massey,  
 Joel Pointsett,  
 Samuel Prioleau,  
 James Pain,  
 William Pinckney,  
 Henry Peronneau, *jun.*  
 Joseph Pendarvis,  
 Tweedy Somerville,

William Smith, *Plantation*  
 Jacob Satur,  
 John Sheppard,  
 Luke Stoutenburgh,  
 William Elliot,  
 Samuel Eveleigh,  
 Richard Eagles,  
 John Ferwicke,  
 John Frazier,  
 Thomas Fairchild,  
 Thomas Fleming,  
 James Fisher,  
 Benjamin Godin,  
 Ebenezar Simmons,  
 William Scott,  
 George Smith, *Capt.*  
 Alexander Trench,  
 Gerrit Vanvelfen,  
 John Vicaridge,  
 Joseph Wragg,  
 John Wright,  
 Moses Wilson,  
 William Yeomans,  
 Archibald Yonge,

## Saint Philip's Parish.

Isaac Porcher,  
 Peter Porcher,  
 Francis Cordes,  
 John Oldfield,  
 John Oldfield, *jun.*  
 Edward Keaton,  
 Joseph Norman,  
 Job Rothmahler,  
 Peter Taylor,  
 Tobias Fitch,  
 Thomas Bullin,  
 John Parker,  
 Benja. Marion, *sen.*  
 Ralph Izard,  
 John Bayley,  
 Wilson Sanders,  
 Tho. Smith, *Landgrave.*  
 Abraham Satur,  
 William Adams,

Richard Shingleton,  
 Job Howes,  
 John Herbert,  
 Arthur Middleton,  
 William Dry,  
 John Lloyd,  
 Mathew Beard,  
 William Middleton,  
 Paul Mazyck,  
 Thomas Clifford,  
 James Goodbee,  
 John Goodbee,  
 Benja. Schincklingh,  
 James Kinloch,  
 George Chicken,  
 James Moore,  
 Benja. Waring,  
 Zach. Villepontoux,  
 Nathaniel Snow,

## For the Parish of Goose-Creek.



Numb. 543.

## JURT-MEN.

Hugh Butler,  
Nathaniel Broughton,  
John Gibbes,  
Anthony Boneau,  
Andrew Broughton,  
John Harleston *sen.*  
Francis Lejau,  
David Pyere,  
Paul St. Julien,  
Peter St. Julien,  
Isaac Childs,  
James Cordes,  
Josiah Dupree,  
Elias Ball,  
Gabriel Marrion,  
Edward Thomas,  
Thomas Cordes,

Abraham Saunders.  
James Stewart,  
Daniel Ravenell,  
Paul Ravenell,  
Thomas Ferguson,  
Paul de St. Julien Malacar,  
James Le Bas,  
Rene Ravenell,  
William Greenland,  
Robert Taylor,  
John Greenland,  
John Sabb,  
John Colleton *Esq.*  
Peter Colleton *Esq.*  
Henry St. Julien,  
Jonathan Drake,

*For the Parish of St. John's.*

John Gendron,  
James Savineau,  
William Drake,  
John D' Leifslinc,  
Peter Robert *sen.*  
Peter Robert *jun.*  
Peter Guerry,  
James Guerry,  
Jonathan Skrine,  
Jonah Collins,

Daniel Mc Gregory,  
Noah Sere,  
James Sanklere,  
Thomas Palmer,  
Thomas Cooper,  
William Waties,  
John Coachman,  
Isaac Le Grand,  
Frederick Gallard,

*For the Parish of St. James Santee.*

Richard Smith,  
Francis Briton,  
Elias Horry, *sen.*  
William Lewis,  
Abraham Micheau,  
John Summers,  
Daniel Laroch,  
Thomas Laroch,  
John Green,  
Meredith Hughes,  
John Lane,  
Arthur Forster,  
Peter Johnson, *jun.*  
Robert Sinkler,  
Samuel Commander *sen.*  
Thomas Burton,

Elisha Scriven,  
William Brockinton,  
Anthony White,  
Edward Henly,  
William Thompson,  
John Netsmith,  
Josiah Guerne Dupree,  
William Ray,  
John Thompson *sen.*  
John Thompson *jun.*  
William Swinton,  
Caleb Avant,  
Anthony Atkinson,  
Samuel Masters,  
Joseph Mackbuff,  
George Pawley,

John



## JURY-MEN.

Numb. 543.

John Allson,  
William Allson,  
Percy Pawley,

John Murril,  
John Wallis,  
Peter Summerhuff,

*For the Parish of Prince George Winpaw.*

Peter Bremar,  
Nicholas Bochet,  
Lewis Mouzon, *sen.*  
Charles Hayes,  
James Maxwell,  
Jeremiah Ruffel,  
Isaac Trezvant,  
Theodore Tresvant.  
Thomas Ashby,  
Francis Paget,  
Josiah Dupre,  
Peter Johnson,  
Peter Stanley,  
Francis Dechamps,  
Thomas Akin,  
Archibald Hamilton,  
Samuel King,  
James Bremar,  
James Akin,  
Thomas Bonny,  
Samuel Simmonds,  
Anthony Boneau,  
Robert Daniel,  
James Singletary,

Abigah Rufs,  
James Foggart,  
John Dutart,  
Lewis Dutart,  
Richard Harris,  
Isaac le Sene,  
Robert Stewart,  
James Stewart,  
Isaac Guering,  
Michael Darby,  
Joseph Warnock,  
William Pool,  
Jeremiah Roper,  
Henry Durant,  
Francis Goddard,  
John Daniel,  
Thomas Pagett,  
John Stewart,  
William Saunders,  
Alexander Goodbee,  
Charles Hayes, *jun.*  
Vincent Guering,  
Charles Codner,  
Abraham Warnock,

*For St. Thomas and St. Dennis.*

Thomas Lynch,  
Joseph Law,  
Samuel Ash,  
George Logan,  
John White,  
Jacob Bond,  
Joshua Wilks,  
Francis Britton,  
Jonas Benhoft,  
John Vanderhoft,  
George Benston,  
Thomas Boone,  
Richard Capers,  
Richard Fowler,

John Hendrick,  
William Scriven,  
William Murril,  
John Benstone,  
Samuel Wingfall,  
Elias Foissin, *jun.*  
Andrew Quelch,  
Robert Scriven,  
John Huggins,  
Benj. Law,  
George Haddrell,  
Hugh Hext,  
Thomas Barton, *sen.*  
Thomas Wood,

*For the Parish of Christ Church.*

William



Numb. 543.

## JURY-MEN.

William Bull,  
 Francis Yonge,  
 Edmond Bellinger,  
 Thomas Drayton,  
 Richard Fuller,  
 Roger Sanders,  
 Thomas Buttler,  
 Robert Booth,  
 William Cattel *sen.*  
 Tho: Elliot, *Son of William*  
 Jos: Elliot *Son of Thomas.*  
 Jos: Elliot *Son of William.*  
 William Elliot, *jun.*  
 Francis Ladson,  
 John Cattel,  
 Benjamin Perry,  
 Wood Henry, *sen.*  
 Henry Toomer,

Joseph Hip,  
 Thomas Rose.  
 Willam Fuller *jun.*  
 William Fuller *sen.*  
 John Heame,  
 George Rivers,  
 Richard Wright,  
 William Spencer,  
 John Sandiford,  
 James Whitter,  
 William Chapman,  
 Arthur Hall,  
 Thomas Hayward,  
 Stephen Bull,  
 Andrew Deveaux,  
 John Whitter,  
 William Wilkins,  
 Samuel Scriven,

*For Saint Andrew's Parish.*

Thomas Townsend,  
 Thomas Hext,  
 Richard Floyd *sen.*  
 Francis Hext,  
 William Stanyarne,  
 Isaac Waight,  
 Thomas Weatherly,  
 John Stanyarne,  
 Alexander Hext,  
 Samuel Jones,  
 John Woodward,  
 John Raven,  
 Caleb Knight,  
 Joseph Stanyarne,  
 Barnaby Bull,  
 Thomas John Elliot,  
 James Stobo,  
 Thomas Farr,  
 John Tucker,  
 Richard Capers,  
 Jeremiah Miles,  
 Robert Mackewn,  
 Thomas Elliot *jun.*  
 Bryan Riley,  
 William Williamfon,  
 Ryal Spry,  
 Daniel Hendrick,  
 John Peters,  
 John Haynes,

Moses Martyn,  
 John Atchison,  
 William Stobo,  
 Hugh Bryan,  
 Francis Wilkinfon,  
 John Bull,  
 Henry Hyrne,  
 Burrel Hyrne,  
 Robert Yonge,  
 James Cochran,  
 William Bellinger,  
 John Bee, *jun.*  
 James Smith,  
 William Livingston,  
 John Palmer,  
 Joseph Fuller,  
 John Smith,  
 Robert Godfrey,  
 Thomas Miles,  
 John Farr,  
 Edward North,  
 Richard Stevens,  
 Thomas Grimboll,  
 Ralph Bailey,  
 William Branford,  
 Ichabod Windburne,  
 Ephraim Michael,  
 John Carmichael,  
 John Stewart.

William



## JURY-MEN.

Numb. 543.

William Edins,  
Paul Grimbol,  
William Bower,  
Joseph Ruffel,  
William Mellichamp,  
Paul Hamilton,  
Charles Odensel,  
Samuel Underwood,  
Robert Cole *sen.*  
Thomas Upham *jun.*

Robert Winn,  
William Flecknoe,  
Moses Norman,  
Moses Graves,  
Joseph Smith,  
Edward Perry,  
Job Chamberlain,  
Richard Bedon *sen.*  
John Gibbes.

*For St. Paul's Parish.*

James Martin,  
George Farley,  
James Ferguson,  
Thomas Buor,  
John Martin,  
John McTeir,  
John Newton,  
George Mitchell *jun.*  
Henry Jackson,  
Benjamin Hip,

John Jackson,  
John Hunt,  
Joshua Saunders,  
William Saunders,  
John Peters,  
Joseph Dedcott,  
Joshua Green,  
Thomas Boone,  
Joseph Mackey,  
William Grey,

*For Saint Bartholomew's Parish.*

Joseph Blake,  
Charles Barker,  
John Barker *sen.*  
Richard Barker,  
John Baker,  
Benjamin Child,  
Gillson Clapp,  
William Cater,  
William Dunning.  
Philip Evans,  
Peter Golding,  
Malachi Glasc,  
Charlesworth Glover,  
Walter Iazard,  
Paul Jenys,  
John Postel *sen.*

John Postel *jun.*  
James Postel,  
John Philbin,  
Roger Sumner,  
Benjamin Sumner,  
Nathaniel Sumner,  
William Sanders,  
Lawrence Sanders,  
Alexander Skeene,  
John Skene,  
Josiah Waring,  
Thomas Waring,  
Richard Waring,  
Robert Wright, *jun.*  
John Williams,  
Nathaniel Wickham,

*For St. George's Parish.*

John Cowen,  
Randolph Evans,

Thomas Inns,  
Nathaniel Barnwel,



Numb. 543:

## JURY-MEN.

Richard Reynolds,  
James Reynolds,  
John Trip,  
William Cockram,

John Chaplain,  
John Delabere,  
William Hazard;

For St. Helena.

## A LIST of Petit Jury-Men.

Andrew Allen,  
John Atkins,  
Robert Austin,  
John Arnold,  
David Allen,  
Miles Brewton,  
Eleazer Allen,  
Robert Brewton,  
Daniel Bell,  
John Brown,  
Charles Burly,  
Adam Beauchamp,  
John Bonnotteau,  
Moses Bennit,  
John Brand,  
Joseph Brown,  
John Ballantine,  
Thomas Bolton,  
Charles Burnham,  
James Ballantine,  
Matherine Boigard,  
John Brey,  
Stephen Beadon,  
Henry Beadon,  
Othniel Beale,  
John Breton,  
Edward Bullard,  
John Bruce,  
Peter Birot,  
Thomas Bowlin,  
Daniel Bourget,  
John Bonin,  
Thomas Binsford,  
Thomas Barton,

Benjamin Bates,  
James Banbury,  
Francis Le Brasseur,  
George Bamfield,  
Thomas Baker,  
John Baker,  
Thomas Cooper *Mercb.*  
Jonathan Collins,  
Robert Collis,  
Thomas Capers,  
William Collins,  
Benja. De la Conseillere,  
Benja. Clifford,  
Edward Crofts,  
Childermas Crofts,  
Hill Croft,  
Henry Childley,  
William Chitham,  
Daniel Cartwright,  
James Crokatt,  
Isaac Chardon,  
Duncan Campbell,  
John Champneys,  
Bently Cooke,  
Lawrence Dennis,  
Benja. D' Hariette,  
Philip Dawes,  
George Ducatt,  
Paul Douxfaint,  
John Dart,  
Albert Detmore,  
Andrew Dupie,  
George Dandridge,  
Stephen Duvall,

Benjamin



## JUR T-MEN.

Numb. 543.

Benjamin Dennis,  
 William Elliot,  
 Samuel Eveleigh,  
 Thomas Eagles,  
 Richard Eagles,  
 Gabriel Elcott,  
 John Fenwicke,  
 John Frazier,  
 Thomas Fairchild,  
 John Fuzier,  
 William Fullwood,  
 James Fowler,  
 Thomas Fleming,  
 James Fisher,  
 Joseph Fidler,  
 Samuel Flye,  
 Daniel Fidling,  
 Benjamin Godin,  
 John Gerrard,  
 Thomas Gadsden,  
 Daniel Green,  
 Henry Gibbes,  
 Henry Gignilat,  
 John Guernier,  
 Francis Gracia,  
 Samuel Grassett,  
 Richard Goodwin,  
 Thomas Gates,  
 Martin Glazebrook,  
 Charles Hill,  
 Charles Hart,  
 Nicholas Haynes,  
 Richard Hill,  
 Edmond Halland,  
 Thomas Haltin,  
 Isaac Holmes, *Capt.*  
 Isaac Holmes, *Butcher.*  
 Experience Howard,  
 David Hext,  
 John Harris,  
 George Hefcott,  
 James Hitchins,  
 William Harvy,  
 Charles Hurst,  
 John Jenkins,  
 James Jourdan,  
 Michael Jean,  
 John King,  
 Thomas Lloyd,  
 John Lawrence,

Samuel Lawrence,  
 Solomon Legree, *sen.*  
 Solomon Legree, *jun.*  
 John Leay,  
 Thomas Lamboll,  
 George Lee,  
 Joseph Lee,  
 Isaac Lewis,  
 William Linthwaite,  
 Anthony Mathews, *jun.*  
 James Mathews,  
 Jeremiah Milner,  
 Stephen Milner,  
 Richard Mason,  
 James Mackewn,  
 Isaac Mazyck, *jun.*  
 Gabriel Manigault,  
 William Mackinzey,  
 John Moor,  
 James McNobny,  
 Joseph Moody,  
 Jonathan Mayne,  
 Jacob Motte,  
 John McCoy,  
 Joseph Massey,  
 Benjamin Massey,  
 Richard Miller,  
 Joseph Milner,  
 John Milner,  
 Solomon Middleton,  
 Thomas Monk,  
 John Neufille,  
 Robert Nesbitt,  
 James Osmond,  
 John Owen,  
 Joel Pointsett,  
 Samuel Prioleau,  
 James Pain,  
 William Pinckney,  
 Henry Peronneau, *jun.*  
 Alex. Peronneau,  
 Joseph Pendarvis,  
 Thomas Paycock,  
 Stephen Procter,  
 Richard Rowe,  
 William Randall,  
 James Rollan,  
 John Reynolds,  
 Robert Raper,  
 Thomas Robbins,

Benja.



Numb. 543.

## JURY-MEN.

Benj. Sayage,  
 Tweedy Somerville,  
 William Smith, *Planter*,  
 William Smith, *Scrivener*,  
 Christopher Smith,  
 Samuel Smith,  
 Alex. Smith, *Taylor*,  
 Jacob Satur,  
 John Sheppard,  
 Luke Stoutenburgh,  
 Henry Sheriffe,  
 Edward Shrewsbury,  
 Ebenezar Simmons,  
 James Searls,  
 John Stone, *Block-maker*,  
 William Scott,  
 Henry Saltus,  
 Robert Steele,  
 John Savy,  
 John Saxbury,  
 Alexander Stewart,  
 John Stevenson, *Glasier*.  
 Thomas Squire,  
 George Smith, *Capt.*  
 Solomon Tozer,

Daniel Townsend.  
 John Tipper,  
 James Thompson,  
 Alexander Trench,  
 Gerrit Vanvelten,  
 Edward Vanvelten,  
 John Vicaridge,  
 Alex. Vanderdussen,  
 Joseph Wragg,  
 John Wright,  
 Moses Wilson,  
 William Watson,  
 John Watson *Pilot*.  
 William Warden,  
 James Wilkey,  
 James Walker,  
 Jacob Woolford,  
 Benjamin Webb,  
 Samuel Woodbury,  
 Thomas Weaver,  
 Richard Wigg,  
 William Yeomans,  
 Archibald Yonge,  
 James Withers,

## For the Parish of Saint Philip's Charles Town.

Isaac Porcher,  
 Peter Porcher,  
 Cornelius Dupree,  
 Abraham Dupont,  
 James Coachman,  
 Robert Bee,  
 John Reed,  
 Ebenezer Shingleton,  
 Samuel Miller,  
 Robert Wood,  
 Tho. Smith, *Landgrave*.  
 Charles Fillbin,  
 Joseph Hurst,  
 Samel Morris, *Capt.*  
 Joseph Rufs,  
 William Livingston,  
 William Snow,  
 Daniel Deane,  
 John Borland,  
 Abraham Satur,  
 James Shingleton,

Abraham Bunston *sen.*  
 Peter Wood,  
 Francis Cordes,  
 George Hall,  
 John Oldfield,  
 John Oldfield, *jun.*  
 John Flood,  
 Richard Shingleton, *sen.*  
 John Bagby,  
 Richard Shingleton,  
 Henry May,  
 John McElvery,  
 James Streeter,  
 James Rochford,  
 John Glover,  
 Job Howes,  
 John Herbert,  
 Arthur Middleton,  
 William Dry,  
 John Lloyd,  
 Richard Walker,

Edward



## JURT-MEN.

Numb. 543.

Edward Keaton,  
Joseph Norman,  
Job Rothmahler,  
Gideon Fichereau,  
Peter Taylor,  
Tobias Fitch,  
Anthony Spencer,  
John Bullin,  
Matherine Garing,  
Mathew Beard,  
William Middleton,  
Paul Mazyck,  
Thomas Clifford,  
James Goodbee,  
John Goodbee,  
William Moore,  
Obadiah Allen,  
Benja. Schinckinh,  
Hugh Grange,  
James Kinloch,

George Chicken,  
Thomas Bullin,  
John Parker,  
Benja. Marion *sen.*  
Ralph Izard,  
Benja. Marion,  
John Rayley,  
Wilson Saunders,  
Benjamin Wood,  
Thomas Mill,  
James Moor,  
Benj. Waring,  
Edward Doyle,  
Stephen Monk,  
John Elders,  
Zach. Villepontoux,  
Nathaniel Snow,  
William Flood,  
John Hamilton,

For St. James Goose-Creek.

Hugh Buttler,  
Nathaniel Broughton,  
John Gibbes,  
Anthony Bonneau,  
Andrew Broughton,  
John Harleston *jun.*  
John Summers,  
Francis Lejau,  
Samuel Summers,  
David Peyre,  
Philip Peyre,  
Paul St Julien,  
Peter St. Julien,  
Isaac Childs,  
Francis Harris,  
James Cordes,  
Josiah Dupree,  
Samuel Small,  
Elias Ball,  
Peter Herman *jun.*  
Francis Murril,  
Gabriel Marion,  
Edward Thomas,  
Thomas Cordes,  
Abraham Saunders,  
Thomas Chennors *jun.*

James Stewart,  
Daniel Ravenell,  
Jonathan Ward,  
Thomas Ferguson,  
Paul de St. Julien Malacar,  
John Gigniliat,  
Joseph de St. Julien,  
John Loffon,  
James Colleton,  
James Le Bais,  
John Pearce,  
Rene Ravenell,  
Sampson Ball,  
Abraham Chenners,  
William Greenland,  
Alexander Kinloch,  
Robert Taylor,  
Peter Benoift,  
John Greenland,  
Charles Richbourgh,  
Samuel Benoift,  
Rene Richbourgh,  
Victory Ferguson,  
Nicholas Mahum,  
Alex. Lang D' Mar,  
John Sabb,



Numb. 543.

## JURY-MEN.

John Colleton *Esq;*  
 Peter Colleton *Esq;*  
 George Colleton,  
 John Warell,  
 Henry St. Julien,  
 Jonathan Drake,  
 Thomas Westbury,

Daniel Horry,  
 Elias Ball *jun.*  
 John Mackey,  
 Mathew Nelson,  
 John Harleston *sen.*  
 Paul Ravenell,  
 Isaac Chenners,

*For the Parish of St. John's.*

John Genderon,  
 James Savineau,  
 James Chauvain,  
 Lewis Gourdin,  
 Andrew Rambart,  
 William Drake,  
 John Deleifslime,  
 Peter Robert *jun.*  
 James Robert,  
 Stephen Dumay,  
 Augustine Lawrence,  
 John Savineau,  
 Peter Guerry,  
 James Guerry,  
 Jacob Generit,  
 Isaac Dubusk,  
 Ralph Jerman,  
 Joseph Spencer,  
 John Barnet,  
 John Spencer,

Jonathan Skrine,  
 Peter Coloneau,  
 Jonah Collins,  
 Daniel McGregory,  
 Noah Sere,  
 William Buchanan,  
 James Sinklere,  
 Thomas Palmer,  
 Thomas Cooper,  
 Thomas Farewel,  
 William Waties,  
 John Coachman,  
 John Buddin,  
 Peter Bone,  
 Isaac Le Grand,  
 Paul Burno,  
 Frederick Gallard,  
 Fowles Percy,  
 Joseph Prince,

*For the Parish of St. James Santee.*

Peter Smith,  
 James Boifeau,  
 Peter Bremar,  
 Nicholas Bochet,  
 Lewis Palmarin,  
 Lewis Mazon *sen.*  
 Lewis Mazon *jun.*  
 Charles Hayes,  
 Peter Monier,  
 John Snow,  
 James Maxwell,  
 Daniel Jodon,  
 Charles Bond,  
 Jacob Borneau,  
 Jeremiah Ruffel,  
 Isaac Tresvant,

Theodore Tresvant,  
 David Baldee,  
 Thomas Ashby,  
 Edmond Fogarty,  
 Solomon June,  
 Francis Pagett,  
 Peter Pagett,  
 Gobald Dupree,  
 Richard Blake,  
 Josiah Dupree,  
 James Bilbeau,  
 John Peneau,  
 John Rubury,  
 Peter Johnson,  
 Francis Dechamps,  
 James Johnson,

George



## JURY-MEN.

Numb. 543.

George Threadcraft,  
 Thomas Akin,  
 Peter Stanly,  
 Edward Howard,  
 Duncan Mc.Grigon,  
 John June,  
 William Wright,  
 Gabriel Toleet,  
 Archibald Hamilton,  
 Samuel King,  
 James Bremar,  
 Joseph Stone,  
 James Akin,  
 Thomas Bonny,  
 Samuel Simonds,  
 Anthony Bonneau *jun.*

John Fogerty,  
 Edward Hazlewood,  
 Robert Daniel,  
 Breton Singletary,  
 Abigah Rufs,  
 Jonathan Rufs,  
 Hezekiah Rufs,  
 John St. Martin,  
 James Foggert,  
 John Dutart,  
 Charles King,  
 Lewis Dutart,  
 Stephen Fogerty,  
 Richard Harris,  
 Michael Baker,  
 Isaac Le Sene,

*List for St. Thomas and Dennis.*

Richard Smith,  
 Francis Britton,  
 Timothy Britton,  
 Daniel Britton,  
 Joseph Huggins,  
 Finny Spry,  
 Elias Horry *sen.*  
 Elias Horry *jun.*  
 William Lewis,  
 John Debose,  
 Abraham Mechand,  
 William Newman,  
 Nicholas La Nud,  
 William Moore,  
 Henry Lewis,  
 William Shackelford,  
 John Summers,  
 Edmund Hawkins,  
 Daniel Laroche,  
 Thomas Laroche,  
 Joseph Port,  
 John Riddle,  
 John Green,  
 Allen Wells,  
 Philip Chandler,  
 Meredith Hughes,  
 John Lane,  
 Robert Keith,  
 Arthur Foster,  
 Thomas Jenkins,

Joseph Johnson,  
 Peter Johnson *jun.*  
 John Claig,  
 Robert Sinclair,  
 John Sinclair,  
 Samuel Commander *sen.*  
 Samuel Commander *jun.*  
 Thomas Buiton,  
 John Bunnal,  
 Thomas Potts,  
 Elisha Scriven,  
 William Brockinton,  
 Joseph Rooper,  
 Anthony White,  
 Thomas Henly *sen.*  
 Edward Henly,  
 William Thompson,  
 John NetSmith,  
 Dugald Mackickin,  
 James Campbell,  
 Solomon Hughes,  
 Samuel Woodward,  
 Francis Wood,  
 Moses Murphey,  
 John Hayes,  
 Josiah Guerne Dupre,  
 William Hethley,  
 John Westcote,  
 Thomas Howard,  
 John Howard,

William



Numb. 543.

## JURY-MEN.

William Ray,  
 Benja Roberts,  
 Abraham Bond,  
 Preserved Ford,  
 John Prichard,  
 John Fulton,  
 John Futhy,  
 John Boggs,  
 John Thompson *sen.*  
 John Thompson *jun.*  
 William Swinton,  
 Francis Avant,  
 Andrew Collins *sen.*  
 Andrew Collins *jun.*  
 John Avant,  
 Robert Robinson,  
 Samuel Sanders,  
 Benjamin Avant,  
 Caleb Avant,  
 Daniel Shaw,  
 Anthony Atkinson,  
 Abraham Staples,  
 Edward Clarke,  
 Robert Glen,  
 Archibald Glen,  
 Samuel Masters,  
 Anthony Pawley,  
 Joseph Macbuffle,  
 George Pawley,  
 Joseph Allen,  
 John Allison,  
 William Allison,  
 Peirce Pawley,  
 John Murril,  
 John Gardner,  
 Thomas Bround,  
 John Wallis,  
 Joseph Beeth,

Robert Thompson,  
 Edmond Plowdon,  
 Peter Summerhuffe.

Robert Stewart,  
 James Stewart,  
 Isaac Guering,  
 David Hearty,  
 Andrew Dehay,  
 James Belin,  
 Anthony Potevine,  
 Michael Darby,  
 Joseph Warnock,  
 Abraham Warnock,  
 Andrew Warnock,  
 William Pool,  
 Jeremiah Raper,  
 Jonathan Singletary,  
 Henry Durant,  
 Francis Goddard,  
 John Daniel,  
 Edward Edwards,  
 Thomas Paget,  
 Jeremiah Warren,  
 John Stewart,  
 William Saunders,  
 John Saunders,  
 Peter Cowley,  
 David Rufs,  
 John Rufs,  
 Daniel Henley,  
 William Elliot,  
 Alexander Goodbee,  
 Charles Hayes *jun.*  
 Peter Tamplet,  
 Moses Miller,  
 Edward Donnally,  
 Philip Cambey,  
 Hugh Campbell,  
 Ebenezer Ford,  
 Vincent Guering,  
 Francis Perry,  
 Charles Codner,  
 Robert Quash,

*For the Parish of Prince George Winpaw.*

Solomon Freer,  
 Stephen Ford,  
 Aaron Huntcomb,  
 Robert Cole *jun.*  
 Thomas Robinson,

Thomas Findall,  
 Thomas Townsend,  
 Thomas Hext,  
 Richard Floyd *sen.*  
 Francis Hext,

Nathaniel



## JURY-MEN.

Numb. 543.

Nathaniel Nicholls,  
 William Stanyarne,  
 Thomas Nicholls,  
 Isaac Waight,  
 Thomas Weatherly,  
 Noah Hurt Blenco,  
 John Stanyarne,  
 Alexander Hext,  
 Samuel Jones,  
 Joseph Jones,  
 Isaac Nicholls,  
 John Woodward,  
 John Marshal,  
 Samuel Davis *jun.*  
 William Welsbey,  
 Zach. Carlisle,  
 John Raven,  
 Caleb Knight,  
 Abraham Waight,  
 Joseph Stanyarne,  
 Rivers Stanyarne,  
 John Steward,  
 William Eddings,  
 Paul Grimbol,  
 Thomas Nash,  
 William Bower,  
 Joseph Ruffel,  
 William Spode,  
 John Jenkins *jun.*  
 James Larding,  
 John Floyd,  
 Joseph Sealy,  
 John Sealy,  
 William Adams,  
 Joseph Watson,  
 Benjamin Sealy,  
 John Toomer,  
 Barnaby Bull,  
 Thomas John Elliot,  
 James Stobo,  
 Thomas Stripes,  
 Francis Dandridge,  
 Robert Stevens,  
 Samuel Turner,  
 William Cootes,  
 Thomas Farr,  
 John Tucker,  
 Richard Capers,  
 Richard Godfrey,  
 Jeremiah Miles,

Robert Mc Kewn,  
 Thomas Elliot, *jun.*  
 John Godfrey,  
 Bryan Rayley,  
 Hezekiah Emms,  
 William Williamfon,  
 John Williams,  
 John Hindes,  
 John Splat,  
 Abraham Mickeau,  
 Emanuel Smith,  
 John Fabieu,  
 Ryal Spry,  
 Daniel Hendrick,  
 William Hendrick,  
 Joseph Paycom,  
 John Caswell,  
 William Conyers,  
 Joseph Scot,  
 William Mellichamp,  
 Mathew Creele,  
 Ichabod Frye,  
 John Frampton,  
 John Hamilton,  
 Charles Odenfai,  
 Samuel Underwood,  
 Robert Cole *sen.*  
 James Green,  
 Jonathan Thomas,  
 John Sams,  
 Thomas Gobler,  
 Joseph Gibbons,  
 William Ferguson,  
 John Denny,  
 Thomas Sacheverel,  
 John Williamfon,  
 John Peters,  
 Christopher Peters,  
 John Haynes,  
 Robert Gilcreast,  
 Edward Meredith,  
 Moses Martin,  
 John Atchinson,  
 William Stobo,  
 Hugh Bryan,  
 Francis Wilkinfon,  
 John Bull,  
 Bernard Mc Cord,  
 James Wrixham,  
 Henry Hyne,



Numb. 543.

## JURY-MEN.

Burril Hyne,  
 Robert Yonge,  
 Abraham Grimes,  
 James Cochran,  
 William Bellinger,  
 John Bee *jun.*  
 James Grey,  
 James Smith,  
 William Livingston,  
 John Palmer,  
 Joseph Fuller,  
 Richard Williamson,  
 John Smith,  
 Robert Godfrey,  
 Thomas Wallis,  
 Thomas Miles,  
 John August,  
 William Cussens,  
 Dennis Morphew,  
 John Farr,  
 Abraham Dedcot,  
 Thomas Crole,  
 Richard Perry,  
 Edward North,  
 James Mc Lauchlin,  
 George Norton,  
 Richard Stevens,  
 Thomas Grimbol,  
 Thomas Rake,  
 Ralph Bailly,  
 Edward Rippon,  
 John Fripp *jun.*  
 Joseph Sealy *jun.*  
 James Eaton,  
 William Branford,  
 Ichabod Winburn,  
 Daniel Michael,

Ephraim Michael,  
 Alexander Walker,  
 Isaac Willmon,  
 John Carmichael,  
 William Whippy,  
 John Maggot,  
 Timothy Hendrick,  
 Thomas Stanyarne,  
 Thomas Upham *jun.*  
 Robert Winn,  
 Thomas Windborn,  
 John Laroch,  
 William Flegnoe,  
 James Lynus,  
 Moses Way,  
 Moses Norman,  
 Moses Graves,  
 Joseph Sumner,  
 Joseph Smith,  
 William Elliot,  
 Samuel Stiles,  
 Edward Perry,  
 Job Chamberlain,  
 John Shute,  
 John Baker *jun.*  
 Richard Beadon *jun.*  
 Thomas Swillevan,  
 Joseph Way,  
 William Sams,  
 Peter Perry,  
 Robert Sams,  
 Samuel Ruico,  
 John Hicks,  
 John Gibbes,  
 Fenwick Golightly,  
 Paul Hamilton,

## List for the Parish of St. Paul's.

Thomas Lynch,  
 Joseph Law,  
 Jotham Gibbons,  
 Samuel Ash,  
 Joseph White,  
 Samuel Bullock,  
 James Atmstrong,  
 Alex. Muckleroy,  
 Richard Bowler,  
 Francis Briton *sen.*

Philip Britton,  
 John Methingham,  
 John Murril,  
 Jonas Bonhoff,  
 Thomas Player,  
 John Vanderhoff,  
 John Hendrick,  
 Joseph Jolly,  
 Oliver Spencer,  
 John Bennit,

Thomas



## FURTHER MEN.

Numb. 543.

Thomas Hamblin,  
 John Evans,  
 William Bollough,  
 William Murril,  
 John Watkins,  
 James Murril,  
 Robert Murril,  
 Roger Player,  
 William Joy *jun.*  
 Robert Scriven,  
 Jonathan Murril,  
 John Huggins,  
 William Cooke,  
 Benjamin Law,  
 George Logan,  
 John White,  
 Moses Joy,  
 Jacob Bond,  
 Jonathan Stocks,  
 John Young,  
 George Benefon,  
 Thomas Boon,

John Mugwood,  
 Richard Capers,  
 Richard Fowler,  
 John Benstone,  
 Samuel Wigfall,  
 Elias Foiffin,  
 William Watfon,  
 Thomas Herbert,  
 Andrew Quelch,  
 John Hales,  
 John Mortimore,  
 Andrew Larimore,  
 Daniel Legaree,  
 George Hadrell,  
 Hugh Hext,  
 Thomas Barton *sen.*  
 Robert Fladger,  
 John Benhoft,  
 Thomas Bennit,  
 Charvile Wingwood,  
 Richard Roufer,  
 Thomas Wood,

For Christ Church Parish.

Jonathan Battelion,  
 James Martin,  
 John Cook,  
 George Farley,  
 John Andrews,  
 Israel Andrews,  
 William Melvin,  
 John Melvin,  
 James Ferguson,  
 Thomas Buor,  
 James Buor,  
 John Martin,  
 Thomas Ford,  
 John Mc Teer,  
 John Newton,  
 George Badger,  
 John Cox,  
 George Mitchel *jun.*  
 Joseph Andrews,  
 John Mitchel,  
 William Hardin,  
 George Mitchel *sen.*  
 Henry Jackson,

Benjamin Hip,  
 William Martin,  
 John Jackson,  
 William Westbury,  
 John Hunt,  
 Richard Smith,  
 Thomas Jones,  
 Joshua Saunders,  
 William Sanders,  
 Samuel Williams,  
 John Peters,  
 Joseph Dedcot,  
 William Dalton,  
 Mathew Miller,  
 William Brown,  
 Joshua Green,  
 Thomas Boon,  
 Joseph Mackey,  
 Samuel Sleigh,  
 Hugh Campbell,  
 William Perryman,  
 Thomas Clifford,  
 William Grey.

For Saint Bartholomew's.

Thomas



Numb. 545.

## JURY-MEN.

Thomas Barker,  
 Nathaniel Bradwell,  
 Joseph Blake,  
 Joseph Butler,  
 Charles Barker,  
 John Baker *sen.*  
 Richard Baker,  
 Samuel Boswood,  
 Elihu Baker,  
 Jehu Baker,  
 Joseph Bacon  
 John Bacon,  
 Samuel Clarke,  
 Jonathan Clarke,  
 Benjamin Child,  
 Gilson Clapp,  
 William Cator,  
 Stephen Dance,  
 William Dunning,  
 James Dalton,  
 Uriah Edwards,  
 Philip Evans,  
 William Fishburn,  
 Peter Goulding,  
 Malachi Glaze,  
 Charlesworth Glover,  
 George Hamblin,  
 John Hill,  
 Joseph Horsford,  
 Walter Izard,

Paul Jenys  
 Robert Miller *sen.*  
 Robert Miller *jun.*  
 John Postell *sen.*  
 John Postell *jun.*  
 James Postell,  
 John Philbin,  
 John Quarterman,  
 James Rawlins,  
 Roger Sumner,  
 Benjamin Sumner,  
 Nathaniel Sumner,  
 Daniel Stewart,  
 Thomas Snow,  
 William Sanders,  
 Lawrence Sanders,  
 William Steeds,  
 Alexander Skeen,  
 John Skeen,  
 William Singleton,  
 Aaron Way,  
 Josiah Waring,  
 Thomas Waring,  
 Richard Waring,  
 Robert Wright *jun.*  
 Joseph White,  
 John Williams,  
 Thomas Way,  
 Nathaniel Wickham,  
 Joseph Wragg,

*St. George's Parish.*

William Hazard *jun.*  
 John Cowen,  
 Randolph Evans,  
 John Field,  
 James Dunlap,  
 James Hatcher,  
 Richard Reynolds,  
 James Reynolds,  
 John Fripp,  
 Aquilla Rose,  
 William Mitchel,  
 Richard Rickets,  
 John Ferguson,

William Ferguson,  
 William Scot,  
 Andrew Muckleroy,  
 John Moore,  
 Allan Mc Clean,  
 John Mc Cloud,  
 John Johnson,  
 Robert Blackeway,  
 Robert Wilkinson,  
 William Frazier,  
 Thomas Hatcher,  
 Thomas Parmeter,  
 Thomas Parmeter *jun.*

Thomas



## JURY-MEN.

Numb. 543.

Thomas Inns,  
William Cochran,  
David Alexander,  
Benjamin Woodward,  
John Chaplain,  
Hugh Wilton,  
Philip Juins,  
James Watson,

Nathaniel Barnwel,  
Thomas Stone,  
Edmund Ellis,  
Thomas Hendrick,  
David Fox,  
John Fenny,  
John Delabere,  
William Hazard, *sen.*

## St. Helena.

William Bull, *Col.*  
Peter Gerardeau,  
Francis Yonge *Esq.*  
Edmund Bellinger,  
Thomas Drayton,  
Benjamin Godfrey,  
Richard Fuller,  
Manley Williamson,  
Roger Sanders,  
John Anger,  
James Boswood,  
Joseph Barton,  
Thomas Butler,  
Robert Booth,  
Samuel Bowman,  
Stephen Clifford,  
William Clay,  
William Cattel *sen.*  
John Godfrey,  
Isaac Bodet *sen.*  
Andrew McClealand,  
Tho: Elliot *Son of* William,  
Jof: Elliot *Son of* Thomas,  
Jof: Elliot *Son of* William,  
William Elliot, *jun.*  
Joseph Fitch,  
Francis Ladson,  
Jacob Ladson,  
William Ladson,  
Robert Ladson,  
Samuel Ladson,  
John Cattel,  
John Mall,  
Benjamin Perry,  
Wood Henry *sen.*  
Henry Toomer,  
William Brantford,  
William Miles,

John Rivers,  
William Holman,  
Joseph Hip,  
John Brown,  
Thomas Rose,  
Silas Wells,  
Charles Jones,  
Thomas Stock,  
William Fuller *jun.*  
William Fuller *sen.*  
Joseph Atwell,  
Samuel Drake,  
John Gantlet,  
John Hearne,  
Peter Hearne,  
George Rivers,  
Thomas Rivers,  
Jeremiah Rivers,  
Richard Rivers,  
Joseph Spencer,  
John Sterling,  
William Holmes,  
Arthur Tucker,  
Benjamin Atwell,  
Richard Wright,  
Daniel Stent,  
William King,  
William Charrot,  
Joseph Rivers,  
William Spencer,  
John Sandiford,  
James Taylor,  
James Whitter,  
John Whitter,  
William Wilkins,  
Lamwright,  
Joseph Crosskeys,  
Joseph Dill,



Numb. 543.

## JURY-MEN.

Samuel Scriven,  
 William Chapman,  
 Rowland Story,  
 Arthur Hall,  
 Stephen Ruffel,  
 Thomas Haywood,  
 Samuel Witter,  
 William Stocks,  
 Samuel Stocks,

William Web jun.  
 William Emms,  
 Stephen Bull,  
 John Cockfield,  
 William Street,  
 Robert Ladson jun.  
 Andrew Deveau,  
 Henry Wood jun.  
 Benja. Godfrey Butcher,

*List for St. Andrew's.*

## A LIST of Special Jury.

Andrew Allen,  
 John Atkins,  
 Robert Austin,  
 John Arnold,  
 David Allen,  
 Miles Brewton,  
 Eleazer Allen,  
 Robert Brewton,  
 Daniel Bell,  
 John Brown,  
 Charles Burly,  
 Adam Beauchamp,  
 John Bonneteau,  
 Moses Bennit,  
 John Brand,  
 Joseph Boon,  
 John Ballantine,  
 Thomas Bolton,  
 Charles Burnham,  
 Matherine Boigard,  
 John Bee,  
 Stephen Beadon,  
 Henry Beadon,  
 Othniel Beale,  
 John Breton,  
 Edward Bullard,  
 John Bruce,  
 Peter Birot,  
 Thomas Bowlin,  
 Daniel Bourget,  
 John Bonin,  
 Thomas Binford,

Thomas Barton  
 James Banbury,  
 Francis Le Brasseur,  
 George Bamfield,  
 Thomas Baker,  
 John Baker,  
 Thomas Cooper *Mercb.*  
 Jonathan Collins,  
 Thomas Capers,  
 William Collins,  
 Robert Collis,  
 Benja. Le la Conseillere,  
 Benja. Clifford,  
 Edward Crofts,  
 Childermas Crofts,  
 Hill Croft,  
 Henry Chidley,  
 William Chitham,  
 Daniel Cartwright,  
 James Crokatt,  
 Isaac Chardon,  
 Duncan Campbell,  
 John Champneys,  
 Bently Cooke,  
 Lawrence Dennis,  
 Benja. D' Hariette,  
 Philip Dawes,  
 George Ducatt,  
 Paul Douxfaint,  
 John Dart,  
 Albert Detmore,  
 Andrew Dupie,

George



## JURY-MEN.

Numb. 543.

George Dandridge,  
 Stephen Duvall,  
 Benjamin Dennis,  
 William Elliot,  
 Samuel Eveleigh,  
 Thomas Eagles,  
 Richard Eagles,  
 Gabriel Escott,  
 John Ferwicke,  
 John Frazier,  
 Thomas Fairchild,  
 John Fuzier,  
 William Fullwood,  
 James Fowler,  
 Thomas Fleming,  
 James Fisher,  
 Joseph Fidler,  
 Samuel Flye,  
 Daniel Fidling,  
 Benjamin Godin,  
 John Gerrard,  
 Thomas Gadsden,  
 Daniel Green,  
 Henry Gibbes,  
 Henry Gignilat,  
 John Guernier,  
 Francis Gracia,  
 Samuel Graffett,  
 Richard Goodwin,  
 Thomas Gates,  
 Martin Glazebrook,  
 Charles Hill,  
 Richard Hill,  
 Charles Hart,  
 Nicholas Haynes,  
 Edmond Holland,  
 Thomas Holton,  
 Isaac Holmes, *Broad-street*  
 Isaac Holmes, *Butcher*.  
 Experience Howard,  
 David Hext,  
 John Harris,  
 George Hescott,  
 James Hitchins,  
 William Harvy,  
 Charles Hurft,  
 John Jenkins,  
 James Jourdan,  
 Michael Jean,  
 John King,

Thomas Lloyd,  
 John Lawrence,  
 James Lawrence,  
 Solomon Legree, *sen.*  
 Solomon Legree, *jun.*  
 John Leay,  
 Thomas Lamboll,  
 George Lee,  
 Joseph Lee,  
 Isaac Lewis,  
 William Linthwaite,  
 Anthony Mathews, *jun.*  
 James Mathews,  
 Jeremiah Milner,  
 Stephen Miller,  
 Richard Mason,  
 James Mackewn,  
 Isaac Mazyck, *jun.*  
 Gabriel Manigault,  
 William Mackinzey,  
 John Moor,  
 James McNobny,  
 Joseph Moody,  
 Jonathan Mayne,  
 Jacob Motte,  
 John McCoy,  
 Joseph Massey,  
 Benjamin Massey,  
 Richard Miller,  
 Joseph Milner,  
 John Milner.  
 Solomon Middleton,  
 Thomas Monk,  
 John Neufille,  
 Robert Nesbitt,  
 James Osmond,  
 John Owen,  
 Joel Pointsett,  
 Samuel Prioleau,  
 James Pain,  
 William Pinckney,  
 Henry Peronneau, *jun.*  
 Alex. Peronneau,  
 Joseph Pendarvis,  
 Thomas Paycock,  
 Stephen Procter,  
 Richard Rowe,  
 William Randall,  
 James Rollan,  
 John Reynolds,

Robert



Numb. 543.

## JURY-MEN.

Robert Raper,  
 Thomas Robbins,  
 Benj: Savage,  
 Tweedy Somerville,  
 William Smith, *up the path*  
 William Smith, *Scrivener*,  
 Christopher Smith,  
 Samuel Smith,  
 Alex. Smith,  
 Jacob Satur,  
 John Sheppard,  
 Luke Stoutenburgh,  
 Henry Sheriffe,  
 Edward Shrewsbury,  
 Ebenezar Simmons,  
 James Searls,  
 John Stone, *Block-maker*,  
 William Scott,  
 Henry Saltus,  
 Robert Steele,  
 John Savy,  
 John Saxbury,  
 Alexander Stewart,  
 John Stevenson, *Glasier*.  
 Thomas Squire,  
 George Smith, *Capt.*

Solomon Tozer,  
 Daniel Townsend.  
 John Tipper,  
 James Thompson,  
 Alexander Trench,  
 Gerrit Vanvelsen,  
 John Vicaridge,  
 Alex. Vanderdussen,  
 Joseph Wragg,  
 John Wright,  
 Moses Wilfon,  
 William Watson,  
 John Watson *Pilot*.  
 William Warden,  
 James Wilkey,  
 James Walker,  
 Jacob Woolford,  
 Benjamin Webb,  
 Samuel Woodbury,  
 Thomas Weaver,  
 Richard Wigg,  
 William Yeomans,  
 Archibald Yonge,  
 James Withers,  
 James Ballantine,  
 Edward Vanvelsen,

WM. DONNING, Speaker.

Charles-Town, Council-Chamber,  
 the Twentieth of August, 1731.

Assented to ROBT. JOHNSON, Governour.



AN



## AN ACT

Numb. 544.

*For Remission of Arrears of Quit-Rents,*

*and for Registering of Patents, Grants, or Memorials of Patents and Grants, and Memorials of Title Deeds, for the better Ascertaining and Regulating the Payment of His Majesty's Quit-Rents for the future, and for the Supplying the Defect of those Patents and Grants where any Lands have been meeted out and ascertained to the Patentees or Grantees, and of the Titles of Persons claiming under the same Patents and Grants, and for the Confirming and Establishing the Titles and Possessions of the several Inhabitants of this Province, to their respective Lands, Tenements and Hereditaments within the same, and for keeping the Office of Publick Register of this Province from being united to other Office or Offices, appointed or to be appointed by his Majesty, for Registering, Enrolling or Recording of Grants or Deeds, and for suspending the (a) Act for calling in and sinking the Paper Bills, and for appropriating the Monies arisen and to arise by virtue of an Act, entituled, (b) An Act for Granting to His Majesty a Duty and Imposition on Negroes, Liquors, and other Goods and Merchandizes, for the Use of the Publick of this Province, and for Repealing of an (c) Act to ascertain the Prices of Lands, the Form of Conveyances, and the Manner of Recovering of Rents for Lands, and the Prices of the several Commodities the same may be paid in, passed the Sixteenth of March, One Thousand Six Hundred Ninety Five; and for Repealing Part of an Act of the General Assembly, entituled, (d) A Declaratory Act concerning several Acts of the General Assembly of this Province that are Repealed, and also concerning the Adjournment of the Commons House of Assembly, passed the Eighteenth of September, One Thousand Seven Hundred and Thirteen.*

(a) No 499

(b) T. A  
No. 4

(c) No 124

(d) No 544  
91(e) 2 GEO.  
2 C. 34  
See in pag.  
483. to p.  
500.

**W**HEREAS by an Act of Parliament passed in Great Britain in the Second Year of the Reign of his present Majesty King GEORGE the Second, entituled, (e) *An Act for Establishing an Agreement with Seven of the Lords Proprietors of Carolina, for the Surrender of their Title and Interest in that Province*, by virtue of which said Act, the several Parts and Shares of Seven of the late Proprietors therein named (except as therein is excepted) are now

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become vested in his Majesty, his Heirs and Successors, together also with *Seven Eight* parts of all and every the Arrears of Quit-Rents, and other Rents, Sum and Sums of Money, Debts, Dues, Accounts, Reckonings, Claims and Demands whatsoever, due to the said last mentioned Proprietors, to the *First Day of June*, One Thousand Seven Hundred and Twenty Nine; And whereas his Majesty, as a Mark of his Royal Bounty and Indulgence to his people in *South-Carolina*, under the Government of his Excellency *Robert Johnson* Esq; did empower his Excellency the said *Robert Johnson*, to give his Assent to a Law for Remitting the Arrears of Quit-Rents, *Provided* the Assembly do by the same Law repeal one Act formerly consented to by the late Lords Proprietors, entituled, (f) *An Act to ascertain the Prices of Land, the Forms of Conveyances, and the Manner of Recovering Rents of Lands, and the Prices of the several Commodities the same shall be paid in*, and do thereby provide that all Possessors of Land in his Majesty's Province of *South-Carolina*, do forthwith register their respective Grants by which they claim such Land, in the Office of his Majesty's Auditor General or his Deputy, and that every Person possessing Land in the said Province by virtue of any Grant from the late Lords Proprietors, for the future pay unto his Majesty, his Heirs and Successors, the annual Quit-Rent reserved upon such Grants respectively, in *Proclamation* Money; We therefore your Majesty's most dutiful and loyal Subjects, desiring ever more to be mindful of all your Majesty's Royal Favours, and more especially of this your Majesty's Royal Bounty and Fatherly Indulgence, in remitting to us the *Seven Eight* Parts of all Arrears of Quit-Rents, do hereby declare our ready Acceptance of your Majesty's Remission of the said Arrears, and to the End therefore that your Majesty's Quit-Rents may be better ascertained, and the future Payment thereof better regulated, We humbly pray your most sacred Majesty, that it may be Enacted, and **Be it therefore Enacted** by his Excellency *ROBERT JOHNSON* Esq; Governor, by and with the Advice and Consent of the Council, and Assembly of this your Majesty's Province, and by the Authority of the same, That all and every Person and Persons whatsoever, being and residing within the Province of *South-Carolina*, who do hold or claim any Messuages, Lands, Tenements or Hereditaments within the said Province, by virtue of any Patents or Grants from and immediately under the Lords Proprietors, or any of them, or from or under any of their Governours, Deputies, Commissioners or Trustees, do and shall within *Eighteen* Months after the Passing of this Act, register all and every such their Patents or Grants, respectively, or Memorials thereof, at the Election of the Patentee or Grantee, in the Office of his Majesty's Auditor General or his Deputy, or such other proper Person or Register as his Majesty hath, or shall be graciously pleased to appoint for and within this Province, to do and perform the same, by leaving a true Copy of such Patent or Grant or Memorial thereof with the said Auditor General or his Deputy, or other proper Officer or Register to be appointed by his Majesty for this Province, and residing within the same, the said Officer

(f) No 124

Enacted.

That all Persons  
shall register their  
Patents or Grants in  
the Auditor General's  
Office.



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Officer having first examined and compared such Memorial with that Part of the Original as is hereby required to be registered; and all and every such Patentees or Grantees shall at the same Time declare and discover before the said Auditor or his Deputy, the several and particular Quantities of Land such Grantee or Patentee holds in his own Right, by virtue of such Patent or Grant, as far as he hath Knowledge thereof, and the County, Parish and Place where situate, and the particular Buttings and Boundings of the same, and the Rents now reserved thereon: **Provided** always nevertheless, that nothing herein before contained shall extend or be construed to oblige any Person to register any Grants or Deeds of the Lots within the Town-Plots of Townships already laid out, in regard the Quit-Rents thereon reserved, if any, are so inconsiderable, that they are not worth the Trouble of receiving or collecting the same.

Except Grants of  
Town Lots.

II. And be it further Enacted by the Authority aforesaid, That all and every Person and Persons whatsoever being and residing within the said Province of *South-Carolina*, who do now hold, possess or claim any Messuages, Lands, Tenements or Hereditaments whatsoever by Virtue of any mesne Conveyances under such original Patentees or Grantees shall within eighteen Months next after the passing this Act, exhibit and deliver unto his Majesty's Auditor General or Deputy or other proper Officer or Register appointed or to be appointed by his Majesty for that purpose for and within this Province, a short Memorial in writing to be signed by the Party exhibiting the same, containing the purport Substance and Effect of the last mesne Conveyance, Deed or Will under whom the Party immediately claims (except Town Lots, as before excepted) that is to say, every Memorial of any such Deed, Conveyance or Will, shall contain the Year and Day of the Month when such Deed bears date, and the Names and Additions of all the Parties to such Deed or Conveyance, and if by Will, the Devisor, Testator or Testatrix of such Will, and shall express or mention such Messuages, Lands, Tenements or Hereditaments contained in such Deed, Conveyance or Will and the Place where situate, that is to say the County, Parish, Township, Precinct or extraparochial Places with the said Province where such Messuages, Lands and Tenements or Hereditaments, are situate or do lie, in such manner as the same are expressed in such Deed, Conveyance or Will, or Probat of the same, and the said Auditor his Deputy or Register aforesaid at the Time of entring such Memorial shall endorse a Certificate, on every such Deed, Conveyance or Will or Probat of the same, and therein mention the Day and Time on which such Memorial was registered, and shall sign the same Certificate, and shall note therein the Book and Number of Page of such a Book, and shall duly file every such Memorial in order of time, as the same shall be brought to the said Office, and number, register and enter the said Memorials in the same order, that they shall respectively come to his Hands, and the Auditor or his Deputy shall not Register any Lands whatsoever without some Patent Grant or Title Deed produced, except as is hereafter mentioned, all which Entries or Registers of all and every such Grants and

Lands to be registered in 18 Months after passing this Act.

Form and Manner of Registering.



and Memorials as aforesaid, shall and are hereby declared to be sufficient Evidence in the Law, and valid to charge the Parties, their Heirs and Assigns with the Rents respectively therein mentioned and reserved, saving and excepting nevertheless, all such Grants or Patents heretofore granted by the late Lords Proprietors, whereon one Penny per Acre was heretofore reserved and afterwards reduced by an Order of the late Lords Proprietors, dated the *Thirteenth Day of May, One Thousand Six Hundred Ninety One* to the Rent or Sum of *Twenty Pounds* a Barony, which amounts to *Three Shillings and Four Pence per Hundred Acres*.

All Guardians  
Trustees and At-  
tornies to register  
their Grants in like  
manner.

The Auditor's Fees.

Auditor's Office to  
be in *Charlestown*.

Quit Rents to be  
paid in Proclamati-  
on Money.

III. AND to the End that none of the said Grants or the Quit-Rents thereon reserved, may be concealed, or his Majesty defrauded of his Quit-Rents. **Be it further Enacted** by the Authority aforesaid, That all Guardians, Executors, Trustees and Attornies, being Possessors of such original Patents or Grants, immediately from or under the said late Proprietors, or from and immediately under their Governours, and Deputies Commissioners or Trustees, shall likewise Register the same Grants and last mesne Conveyance or Memorials thereof as aforesaid, and also all Mortgages of Lands and Tenements in this Province, having any such original Grants, or last Mesne Conveyance in their Hands, of the Mortgager, shall likewise register the same, or a Memorial thereof, in Manner aforesaid: *Provided* nothing herein contained shall extend to the Registering of Lease-hold Estates only, nor to such Grants or Deeds, as have at any Time once before been registred by the said Auditor, his Deputy or Register, and Certificate thereon endorsed or given as aforesaid; and the said Auditor or his Deputy shall be allowed for Registering every Grant or Memorial, and for giving Certificate thereof, *Seven Pence half penny Proclamation Money*, or the Value thereof in the Currency of this Province, for every Copy sheet, that is to say, for every *Ninety Words* and no more.

IV. AND to the End that all Persons may know where to resort for Registering their said Grants and Memorials of Deeds, **It is hereby further Enacted and Declared**, That the Auditor, his Deputy or Register, or other Person appointed, or to be appointed by his Majesty to register such Grants or Deeds, or Memorials of such Grants or Deeds, shall reside in *Charles-Town*, and give due Attendance in his Office every Day, from the Hours of *Nine to Twelve* in the Forenoon, and from *Two to Five* in the Afternoon, *Sundays and Holidays* excepted.

V. And be it further Enacted by the Authority aforesaid, That the *Seven Eight* parts of all and every the annual Quit-Rents reserved and hereafter to grow due on all and every such Grants and Deeds, shall be deemed and accounted to be and paid unto his Majesty, his Heirs and Successors for ever, in Proclamation Money, yearly, and every Year, on every Five and Twentieth Day of *March*, to commence from the Five and Twentieth Day of *March* last past,  
or



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or within *Three Months* then next after at farthest, and that for and notwithstanding any other Days or Times given or expressed in any such Patent, Grant or Deed, for Payment thereof, the first Payment to begin and be made on the *Five and Twentieth Day of March* now next ensuing.

**VI. And be it further Enacted** by the Authority aforesaid, That where any Original Grant made by the said late Lords Proprietors, or their Deputies, Commissioners or Trustees, hath been casually lost or destroyed by Fire or other Accident, and no Record or Register of the same can be found, nor the Quit-Rents thereon reserved sufficiently ascertained, by any Deed under which the Party in possession doth claim the same, that all and every such person shall pay unto his Majesty, his Heirs and Successors, for ever, the Quit-Rent of *Twelve Pence per Hundred Acres*, in *Proclamation Money* (being the usual Quit-Rent for all Lands granted for *Thirty-five Years* past and upwards) yearly and every year, on every *Twenty-fifth Day of March*, or within *Three Months* then next after at farthest.

Original Grants  
lost, &c. the Quit-  
Rent to be 12 d per  
Hundred Acres.

**VII. And be it further Enacted** by the Authority aforesaid, That all Lands whatsoever lying and being within the said Province of *South-Carolina*, now in the Tenure or Occupation of any person or persons whatsoever, living and residing within the same, that shall not be registered, or a Memorial thereof rendered to be registered, in the Office of the said Auditor General or his Deputy, within *Eighteen Months* after the said Office shall be erected and established in *Charles-Town* as aforesaid, and publick Notice given thereof by the said Auditor, or his Deputy, by posting the same at each Parish Church throughout the said Province, and where there is no Parish Church at some other noted place of such Parish, the same shall be reputed, deemed and taken as vacant Lands, and it shall be lawful for any Person to take up the same; saving the Right nevertheless of all Minors and Orphans, who shall have *three Years* after they come of the Age of *One and Twenty Years*, to register their said Deeds and Grants (paying the Arrears of Quit-Rents that shall be then due) and saving the Right of Feme Coverts, and Persons beyond the Seas, which Persons now residing beyond the Seas or out of this Province, may register the same within *five Years* from the passing this Act, unless they shall sooner return into this Province: *Provided* always nevertheless, that if any person or persons who are possessed of any Lands or Tenements in this Province, have by Fire or other Accident, lost their Original Grant or Deed, or Will under which they immediately claim, and do and shall make Oath of the same before the said Auditor or his Deputy, who is hereby empowered to administer such Oath, that then and in such case, if a Record of such Grant, Deed or Will can be found in the Secretary's or publick Register's Office of this Province, the Party claiming under any such lost Grant, Deed or Will shall produce an attested Copy of such Grant, Deed or Will, or Probat of the same, from the said Secretary or Register, unto his Majesty's Auditor or his Deputy, who shall register the same

Lands not registered  
in 18 Months after  
Notice, &c. vacant

Saving to Minors, 3  
Years after Age.

Feme Coverts and  
Persons beyond Sea,  
5 Years.

Grants, &c. lost, a  
Record thereof and  
Possession of the  
Party shall be Evi-  
dence at Law.



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Grants, &c. lost  
and not Recorded,  
the party proving 7  
years possession, may  
obtain a new Grant.

in manner as before directed for Original Grants, Deeds or Wills, and shall endorse a special Certificate of the same on the attested Copy of such Grant, Deed or Will, or Probate of the same; and the Record of such Grant, Deed or Will in the Secretary's and publick Register's Office, together with the actual possession of the party claiming under the same, shall be deemed good Evidence of a Title at Law, until better Evidence of a Title appears: *Provided* also nevertheless, that where any person or persons, by Fire or other Accident, have lost their Original Grant or Title Deed under which they claim, or where such Grants or Deeds are much torn, obliterated or defaced by Casualties, and no Record can be found thereof in the Secretary's or Register's Office, nor of the Will under which he claims, and the party making Oath, that he claimeth under a Grant Deed or Will which hath been *bona fide* lost, or where the same appears to be casually obliterated, torn or defaced, and shall prove by other Evidence, that he or those under whom he claims, have been in the actual and peaceable possession of the Lands he now claimeth, for the full Space and Term of *Seven* Years and upwards, that it shall and may be lawful for such Person to purchase a new Grant from his Majesty for the same, paying the same Quit-Rents at *Twelve Pence per Hundred Acres, Proclamation* Money, so that such new Grant shall not be construed to extend to bar him that better Title had before the Taking out such new Grant, nor to strengthen his Title against any other Person that layeth claim to the same Lands, but that such other person then living and residing within this Province, may at any Time within *Seven* Years next after the Issuing thereof, pursue his Title at Law, notwithstanding any such new Grant, and such new Grant shall not be given in Evidence to bar him that better Right had, at or immediately before the obtaining such new Grant; saving the Right also of Infants, Feme-Coverts and Persons beyond the Seas, or off this Province as aforesaid.

Quit Rents hereaf-  
ter to grow due to  
his Majesty, to be  
paid on every 25th  
of March.

VIII. And be it further Enacted by the Authority aforesaid, That all and every the Quit-Rents whatsoever, which from and after the passing of this Act, shall grow due to his Majesty, his Heirs or Successors, for any Messuages, Lands, Tenements or Hereditaments whatsoever, in the said Province of *South-Carolina*, by virtue of any Patents, Grants or Deeds, heretofore made by the late Lords Proprietors of *Carolina*, or any of them, their Governors, Deputies or Trustees, or other Commissioners, appointed for selling of Lands in this Province, or by virtue of any mesne Conveyances from and under such Patents, Grants or Indentures, or by virtue of any Patents, Grants or Indentures, already made or to be made by his Majesty, his Heirs or Successors, or by any Officer or Officers, appointed or to be appointed by his Majesty, his Heirs or Successors, for that purpose, of any Messuages, Lands, Tenements, or Hereditaments whatsoever, within the said Province of *South-Carolina*, the same shall be paid to his Majesty, his Heirs and Successors, or to his Majesty's Receiver General of his Quit Rents, or his Deputy, yearly and every year, on every *Five* and *Twentieth* day of *March*,  
or



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or within Three Months then next after, at farthest, in manner following, that is to say, if the Person or Persons, so in arrear, shall live or reside in *Granville* County, he and they shall be at liberty to pay in his and their Quit-Rents to a Deputy Receiver to be appointed to reside at *Port Royal*, in *Granville* County, for that purpose; And if the Person or Person, so in arrear, shall live or reside in *Craven* County, he and they shall be at liberty to pay in his and their Quit-Rent at some certain place to be for that purpose, appointed by his Majesty's Receiver General, or his Deputy, at *Winyaw*, in *Craven* County, and not elsewhere, unless any Person or Persons, so living or residing in *Granville* County, or *Craven* County, shall find it more for his or their conveniency to pay it at the Office of his Majesty's Receiver General, or his Deputy in *Charlestown*; And all Persons living or residing in *Berkley* County, or *Colleton* County, shall pay in their Quit-Rents to his Majesty's Receiver General, or his Deputy, at the Office of such his Majesty's Receiver General, or his Deputy, in *Charles-Town*.

Places where the  
Quit-Rents are to  
be paid.

IX. AND for the more speedy and effectual recovery and getting in his Majesty's said Quit Rents for the future, **Be it further Enacted** by the Authority aforesaid, That if any of the Quit-Rents whatsoever, that shall become due to his Majesty, his Heirs or Successors, from and after the passing of this Act, out of any Messuages, Lands, Tenements, or Hereditaments whatsoever, within this Province, (Town-Lots excepted) shall happen to be behind and unpaid by the space of three Months next over or after the said *Twenty-fifth* Day of *March*, that then it shall and may be lawful to and for his Majesty, his Heirs and Successors, by his and their Officers, Ministers and Bailiffs, appointed or to be appointed, and duly sworn for that purpose, into all or any Messuages, Lands or Tenements respectively whatsoever, to enter and make reasonable Distress upon the Goods, and Chattels, of the Owners, in whatsoever part of the Province the same can be found, nearest to *Charles-Town*, except nevertheless, as herein after is excepted, and the Goods, and Chattels, so distrained, (except nevertheless, as herein after is excepted) shall drive and carry away, and them detain, or impound, in some place within the Parish, where such Distress is taken: And if the Tenant, or Owner, of the Goods, and Chattels, so distrained, shall not within five days exclusive, next after the taking of such Distress, and notice thereof in Writing, with the cause of such taking, left at the Owners House, upon the Lands where such Distress is made, and in case there is no House, at the Parish Church where such Lands lye, or for want of such Parish Church, in some noted place of such Parish, redeem the same, that then and in such case, after such Distress and Notice as aforesaid, and expiration of the said five days exclusive of the Days of taking, the Constable of the Parish where such Distress shall be taken, who is hereby required also to be aiding and assisting therein, shall well and truly appraise the Goods, and Chattels, so distrained, according to the best of his understanding, and after such Appraisement, the Person distraining the same, shall and may lawfully sell the Goods

Quit-Rents unpaid  
3 Months, &c.  
Officers may di-  
strain on any Land,  
&c.

And after 5 days  
notice the Constable  
to appraise the  
Goods and make  
Sale thereof.



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Goods, and Chattels, so distrained, at Out-cry, for the best price that can be got for the same, towards Satisfaction of the Quit-Rent, for which the said Goods and Chattels shall be so distrained; and of the Charges of such Distress, Appraisement and Sale, leaving the Over-plus, if any, in the Hands of the said Constables, for the Owner's Use.

Officers Fees for making Distress.

X. And be it further Enacted by the Authority aforesaid, That there shall be allowed and paid by the Person so in Arrear, to his Majesty's Bailiff, who shall be appointed to make such Distress or Distresses, the Sum of One Shilling in the Pound, Proclamation Money, or the value thereof in the present Currency, for every Pound, or Twenty Shillings, Proclamation Money, so in arrear, where the same is not paid before such Distress be taken, and Three Pence per Mile, Proclamation Money, to be computed from the House of the Receiver of the District where such Distress is made, and Three Pence Proclamation Money, or the value thereof in the Currency of this Province per Head, for the Pasturage of each Horse, or Cattle, distrained, or sold, for every four and twenty hours, 'till redeemed, so that such Distress be not unreasonable, and to the Constable assisting the Officer, each Day Half a Crown Proclamation Money, or the value thereof in the Current Bills of this Province.

Pound breach or Rescues, a special Action and treble Damage.

XI. And be it further Enacted by the Authority aforesaid, That upon any Pound Breach or Rescues of any Goods and Chattels distrained for any Quit-Rent, it shall and may be lawful for his Majesty, his Heirs and Successors, by his and their Officers and Ministers appointed or to be appointed by his Majesty to receive or collect the said Quit-Rents, to bring a special Action on the Case, for the Wrong thereby sustained, and recover treble Damages against the Offender or Offenders in any such Rescues or Pound-Breach, any or either of them, or against the Owners of the Goods, in case the same be afterwards come to his Use and Possession.

Lands sold after Registered, a new Memorial to be made thereof, and filed with the Auditor.

XII. And be it further Enacted by the Authority aforesaid, That in case any person or persons whatsoever possessed of any Messuages, Lands or Tenements in this Province, after having registred their Patents, Grants or Deeds, or Memorials thereof, or Memorials of the last Will or Probate thereof, in the Office of his Majesty's Auditor or Deputy as aforesaid, shall sell or dispose of such Messuages, Lands or Tenements or any part thereof, he shall cause a new Memorial to be made of the Indenture or Deed, by which the said Messuages, Land or Tenements, are so disposed of, (Town-Lots excepted) to be exhibited and filed with his Majesty's Auditor, or his Deputy, and if devised away by Will, then the Divisee, Executors or Administrators, shall exhibit a Memorial of such Will, that is to say, the Testator and Devisee's Names, the Date of the Will, and the clause of such Will whereby the same is devised away, and then and from thenceforth upon payment of all arrears then due, the Persons only to



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to whom such Messuages, Lands or Tenements, are conveyed over or devised, shall stand chargeable only with the Payment of the Quit-Rents from thenceforth to grow due, out of such Messuages, Lands or Tenements; and in case only part thereof be conveyed away or devised, then upon exhibiting a Memorial in Manner as aforesaid, and paying all Arrears of Quit-Rents then due, the said Auditor or his Deputy is hereby required to apportion the Rent accordingly, and to charge the same on such new Purchaser or Devisee, paying the usual Fees as aforesaid.

**XIII. And be it further Enacted** by the Authority aforesaid, That in case any person or persons who have any Right or Title to any Lands or Hereditaments in this Province, for which any Quit-Rents or other Rents are due and payable to his Majesty, his Heirs or Successors, shall suffer the said Lands and Hereditaments to lie fresh, and the Rents due and payable for the same, to be, at any Time hereafter, in arrear and remain unpaid for the Space of *Five* Years, and no Distress can be found on such Lands and Hereditaments, nor any other Lands, Tenements or Hereditaments of the Owner and Proprietor of such Lands within this Province, that then in such case, on Inquisition thereof duly taken and Office found, the said Lands for which the Rent is so in arrear, shall again become vested in his Majesty, his Heirs and Successors, and then and from thenceforth it shall and may be lawful for his Majesty, his Heirs and Successors, by his and their Bailiffs, Ministers and Officers, into such Lands to enter, and to grant the same in Fee, or for any other Estate to any other person or persons whatsoever, saving the Rights of Infants, who shall have *three* Years after they come of Age, and of Feme-Coverts who shall have *three* Years after the Removal of such Coverture.

**XIV. And be it further Enacted** by the Authority aforesaid, That no Rice, Corn or other Grain, whilst in the Sheaf or Eav, either in the Field or Barn, shall be liable to any Distress for Quit-Rents or other Rents whatsoever, till threshed out, nor Negroes or any other Slaves, nor Waggon, Carts or Carriages, laden or unladen going in the King's High-Road or private Path, to and from a Landing, nor Oxen or Horses drawing the same, nor the Loading so carried or drawn, nor any Goods in Boats, Perriangers or other Vessels on the Water, nor Oxen nor Horses of the Plow, on any Plantation where other Horses or Cattel are shewn and delivered, nor Mills or other Plantation Tools or Utensils, or Canoes, Boats or Perriangers belonging to the Owner or any other Person, when other sufficient Distress is shewn or produced, nor shall any Distress be severed, and drove or carried to more than one Place to put the Parties to charge.

**XV. And be it further Enacted** by the Authority aforesaid, That in case any Distress and Sale as aforesaid, shall be made by colour of this Act or otherwise, of any Quit-Rents pretended to be due or in arrear, where in Truth no such Quit-Rents are due or in arrear, or if any Distress or Distresses shall be taken and

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fold

Quit Rents here-  
for unpaid for *five*  
Years, the Land  
shall become vested  
in his Majesty.

What Goods, &c.  
shall not be di-  
stressed.

Remedy in case of  
wrongful Distress.



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fold, contrary to the true Intent and Meaning of this Act, that then the Owner of such Goods so distrained and sold as aforesaid, his Executors or Administrators shall and may by Action of Trespass, or upon the Case, to be brought against the person or persons by whose Warrant or Command such Distress was made, any or either of them, his or their Executors or Administrators, recover double the Value of the Goods or Chattels so distrained and sold, together with full Costs of Suit.

Person distrained  
producing a Certificate  
of payment of  
the Rent, Distress  
shall be discharged.

**XVI. And be it further Enacted** by the Authority aforesaid, That where any Distress or Distresses shall happen to be made for any Quit-Rents which hereafter shall become due to his Majesty, his Heirs and Successors, and the person or persons so distrained upon, shall at any Time within *five* Days exclusive of the Day of taking such Distress, produce a Certificate or Certificates from the Receiver General or Collector of his Majesty's Quit-Rents, or his Deputy, to the Person making such Distress, that the Quit-Rent or Quit-Rents so in Arrear, is or are paid and satisfied, or that he hath taken sufficient Sureties for satisfying the same, that then such Distress shall immediately cease, satisfying the Charges of such Distress.

On Payment of  
Rent a Receipt shall  
be given & enter'd.

**XVII. And be it further Enacted** by the Authority aforesaid, That the Receiver General or Collector of his Majesty's Quit-Rents, or his Deputy, shall immediately give a Receipt to the Party paying in his Quit-Rent, and shall cause every Receipt to be immediately entered at large in a Book kept for that Purpose, with his Name subscribed thereto, which Entry, or an attested Copy thereof, shall be a sufficient Discharge in Law, as well as the Original Receipt.

For preventing  
Frauds by double  
Mortgages, an Of-  
fice having been  
erected for Record-  
ing Deeds,

Such Office to be  
distinct from other  
Offices.

**XVIII. AND** whereas for the preventing Frauds in Conveyances, double Mortgages and other Collusions, in making over and conveying Lands and other Estates, an Officer is by a (g) Law of this Province appointed for Recording Deeds, Conveyances and Mortgages in like manner as is appointed by certain Acts of Parliament in *Great Britain*, for the appointing Registers in the County of *Middlesex*, and other Parts of that Kingdom; and it having been found by Experience that the said Office has had the good Effects expected by the same, and has been of great Use and Service to this Province, as it has been distinct and separate from any other Office, **Be it therefore Enacted**, by the Authority aforesaid, That the Recorder or Register of Deeds or Conveyances of Land and Mortgages, shall be and continue separated and distinct from any other Office and Officer whatsoever, for Registering of Deeds, and the said Register of this Province, and the Register of this Province for the Time being, who whilst Register of this Province, or Deputy Register, shall take upon him to execute the Office of Secretary or Deputy Secretary, or of his Majesty's Auditor General, or his Deputy, or his Majesty's Register or his Deputy, or of Receiver General or his Deputy, or as any other Officer whatsoever, established or to be established for Registering, Enrolling or Recording of Grants or Deeds, shall forfeit the

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the Sum of *Five Hundred Pounds Proclamation* Money, to him or them that will inform and sue for the same, by Action of Debt, Bill, Plaint or Information, in any Court of Record in this Province, together with the Loss of his Office of Register of this Province, and wherein no Essoign, Protection, Injunction or Wager of Law shall be allowed or admitted of.

XIX. AND whereas divers Questions and Doubts have been heretofore had and moved concerning the Titles of the several Inhabitants of this Province to their respective Estates, viz. That the late Lords Proprietors being Joynt-Tenants by the *Two Charters* granted to them by his late Majesty King CHARLES the Second, could not alien any part of the said Province, without the joynt Consent of the whole of such Proprietors, and all such Patents and Grants so made, were for that Reason said to be invalid and void in Law, and that the Governours and their Deputies, who were impowered and commissioned from Time to Time, from the late Lords Proprietors to grant and sell Lands in this Province, could not execute such an Authority, without the joynt Power and Consent of all the said Proprietors, whereby all Grants made of any Lands under such a defective Power were likewise said to be void, and that all or most of such Powers were defective for the Reasons aforesaid; At other Times, that many of the Lords Proprietors were not named, or had not been rightly named in the said Patents or Grants, and at other Times that significant and necessary Words were wanting in the Patents, Grants and Indentures so made by the said Proprietors themselves, and their Governours, Deputies and Commissioners, to convey such Estates as were thereby intended to be conveyed, so that nothing passed thereby to the Grantees, nor to the Purchasers, claiming under such Patents, Grants, Indentures or Deeds, to the great Disturbance and Disquietude of all the Inhabitants, who were more or less concerned, as Original Purchasers or claiming Estates by mesne Conveyances from and under such Original Purchasers: Wherefore for the supplying all the Defects aforesaid, and for the Quiet and Ease of his Majesty's Subjects, it being no wise the Intent and Meaning of the said Lords Proprietors, or any of them, to take Advantage of such Defects, by a certain Act, entituled, (b) *An Act to ascertain the Prices of Land, the Form of Conveyances, and the Manner of Recovery of Rents for Lands, and the Prices of the several Commodities the same may be paid in*, passed the Sixteenth Day of March, One Thousand Six Hundred Ninety-five, it was Enacted, by his Excellency William Earl of Craven, Palatine, and the rest of the late true and absolute Lords and Proprietors of the said Province of *South-Carolina*, by and with the Advice and Consent of the rest of the Members of the General Assembly, among other Things, That all Grants and Deeds indented for the Sale and Conveyance of Lands lying within the said Province of *South-Carolina*, which at any Time thentofore were made by the said Palatine or his Deputy, and any *three* more of the said Lords Proprietors or their Deputies, commissioned or impowered to sell and grant Lands, were and are thereby declared to be, and for ever

Doubts concerning  
Titles to Lands, by  
reason of defective  
Grants, &c.

Removed by an Act  
of Assembly ratified  
16th March, 1695.

Recital of the Act.

(b) No. 124



Numb. 544.

## QUIT-RENTS.

sold, contrary to the true Intent and Meaning of this Act, that then the Owner of such Goods so distrained and sold as aforesaid, his Executors or Administrators shall and may by Action of Trespass, or upon the Case, to be brought against the person or persons by whose Warrant or Command such Distress was made, any or either of them, his or their Executors or Administrators, recover double the Value of the Goods or Chattels so distrained and sold, together with full Costs of Suit.

Person distrained producing a Certificate of payment of the Rent, Distress shall be discharged.

**XVI. And be it further Enacted** by the Authority aforesaid, That where any Distress or Distresses shall happen to be made for any Quit-Rents which hereafter shall become due to his Majesty, his Heirs and Successors, and the person or persons so distrained upon, shall at any Time within *five* Days exclusive of the Day of taking such Distress, produce a Certificate or Certificates from the Receiver General or Collector of his Majesty's Quit-Rents, or his Deputy, to the Person making such Distress, that the Quit-Rent or Quit-Rents so in Arrear, is or are paid and satisfied, or that he hath taken sufficient Sureties for satisfying the same, that then such Distress shall immediately cease, satisfying the Charges of such Distress.

On Payment of Rent a Receipt shall be given & enter'd.

**XVII. And be it further Enacted** by the Authority aforesaid, That the Receiver General or Collector of his Majesty's Quit-Rents, or his Deputy, shall immediately give a Receipt to the Party paying in his Quit-Rent, and shall cause every Receipt to be immediately entered at large in a Book kept for that Purpose, with his Name subscribed thereto, which Entry, or an attested Copy thereof, shall be a sufficient Discharge in Law, as well as the Original Receipt.

For preventing Frauds by double Mortgages, an Office having been erected for Recording Deeds,

Such Office to be distinct from other Offices.

**XVIII. AND** whereas for the preventing Frauds in Conveyances, double Mortgages and other Collusions, in making over and conveying Lands and other Estates, an Officer is by a (g) Law of this Province appointed for Recording Deeds, Conveyances and Mortgages in like manner as is appointed by certain Acts of Parliament in *Great Britain*, for the appointing Registers in the County of *Middlesex*, and other Parts of that Kingdom; and it having been found by Experience that the said Office has had the good Effects expected by the same, and has been of great Use and Service to this Province, as it has been distinct and separate from any other Office, **Be it therefore Enacted**, by the Authority aforesaid, That the Recorder or Register of Deeds or Conveyances of Land and Mortgages, shall be and continue separated and distinct from any other Office and Officer whatsoever, for Registering of Deeds, and the said Register of this Province, and the Register of this Province for the Time being, who whilst Register of this Province, or Deputy Register, shall take upon him to execute the Office of Secretary or Deputy Secretary, or of his Majesty's Auditor General, or his Deputy, or his Majesty's Register or his Deputy, or of Receiver General or his Deputy, or as any other Officer whatsoever, established or to be established for Registering, Enrolling or Recording of Grants or Deeds, shall forfeit the

(g) No. 161



## QUIT-RENTS.

Numb. 544.

the Sum of *Five Hundred Pounds Proclamation* Money, to him or them that will inform and sue for the same, by Action of Debt, Bill, Plaint or Information, in any Court of Record in this Province, together with the Loss of his Office of Register of this Province, and wherein no Effoign, Protection, Injunction or Wager of Law shall be allowed or admitted of.

XIX. AND whereas divers Questions and Doubts have been heretofore had and moved concerning the Titles of the several Inhabitants of this Province to their respective Estates, viz. That the late Lords Proprietors being Joynt-Tenants by the *Two Charters* granted to them by his late Majesty King CHARLES the Second, could not alien any part of the said Province, without the joynt Consent of the whole of such Proprietors, and all such Patents and Grants so made, were for that Reason said to be invalid and void in Law, and that the Governours and their Deputies, who were impowered and commissioned from Time to Time, from the late Lords Proprietors to grant and sell Lands in this Province, could not execute such an Authority, without the joynt Power and Consent of all the said Proprietors, whereby all Grants made of any Lands under such a defective Power were likewise said to be void, and that all or most of such Powers were defective for the Reasons aforesaid; At other Times, that many of the Lords Proprietors were not named, or had not been rightly named in the said Patents or Grants, and at other Times that significant and necessary Words were wanting in the Patents, Grants and Indentures so made by the said Proprietors themselves, and their Governours, Deputies and Commissioners, to convey such Estates as were thereby intended to be conveyed, so that nothing passed thereby to the Grantees, nor to the Purchasers, claiming under such Patents, Grants, Indentures or Deeds, to the great Disturbance and Disquietude of all the Inhabitants, who were more or less concerned, as Original Purchasers or claiming Estates by mesne Conveyances from and under such Original Purchasers: Wherefore for the supplying all the Defects aforesaid, and for the Quiet and Ease of his Majesty's Subjects, it being no wise the Intent and Meaning of the said Lords Proprietors, or any of them, to take Advantage of such Defects, by a certain Act, entituled, (b) *An Act to ascertain the Prices of Land, the Form of Conveyances, and the Manner of Recovery of Rents for Lands, and the Prices of the several Commodities the same may be paid in*, passed the Sixteenth Day of March, One Thousand Six Hundred Ninety-five, it was Enacted, by his Excellency William Earl of Craven, Palatine, and the rest of the late true and absolute Lords and Proprietors of the said Province of *South-Carolina*, by and with the Advice and Consent of the rest of the Members of the General Assembly, among other Things, That all Grants and Deeds indented for the Sale and Conveyance of Lands lying within the said Province of *South-Carolina*, which at any Time thentofore were made by the said Palatine or his Deputy, and any *three* more of the said Lords Proprietors or their Deputies, commissioned or impowered to sell and grant Lands, were and are thereby declared to be, and for ever

Doubts concerning  
Titles to Lands, by  
reason of defective  
Grants, &c.

Removed by an Act  
of Assembly ratified  
16th March, 1695.

Recital of the Act.

(b) No. 124



Further Removal  
of such Doubts, and  
former Grants made  
valid,

And all persons  
claiming under the  
same may hold a-  
gainst his Majesty,  
&c.

Notwithstanding  
any Misnomer, &c.

ever then after should be taken and held to be good, strong, substantial, stable, firm and lawful, according to the true Intent and Meaning thereof, any Misnomer, Omission of the said Names of the said Lords Proprietors, any want of any significant and necessary Words in Law for conveying of Lands, any Omission, Commission or Mistake whatsoever, in the said Grants done, omitted or committed by any or all of the Trustees commissioned by the said Lords Proprietors for the selling of Lands, notwithstanding: And for the better Security and Quiet of all Persons who should thereafter become Purchasers, it was further *Enacted* by the same Act, That all Grants and Sales of Lands, all publick Instruments in Writing, all private Contracts and Agreements with any person or persons, all Acts and Orders of Assembly, all Rules and Instructions of Government, and all other Papers relating thereto, which should be made and signed and sealed by the Palatine and *three* more of the said Lords Proprietors, or by any *five* of the Lords Proprietors, and all Acts and Matters done by virtue thereof, should be taken and held to be as good and substantial in Law, as if the same had been agreed and consented to, and signed and sealed by all the Lords Proprietors themselves, as in and by the last recited Act, relation being thereunto had, doth more fully and at large appear, **Be it therefore further Enacted** by the Authority aforesaid, That all and every person and persons, who are now possessed of or do hold any Messuages, Lands, Tenements or Hereditaments whatsoever, in the said Province of *South-Carolina*, by and under any Original Patents, Grants, Deeds, Indentures or Poll, either made by the said Lords Proprietors, or by their Palatine or his Deputy, and any *three* more of the said Lords Proprietors or their Deputies, or by any of their late Governours of the said Province, and any *three* or more of the said Lords Proprietors, or the said Lords Proprietors Deputies, or by any other person or persons whatsoever, commissioned by their Palatine and any *three* or more of the said Lords Proprietors, or by any *five* of the said Lords Proprietors, their Deputies or Commissioners, as of Fee-simple, or Fee-simple conditional, or for Term of Years, and all other person or persons whatsoever, who are now possessed of, or do hold any such Estate or Estates by virtue of any mesne Conveyance derived from and under all or any such Original Patents, Grants, Deeds indented or Poll, shall and may from henceforth quietly and peaceably have, hold, use, occupy, possess and enjoy all and every such Messuages, Plantations, Lands, Tenements and Hereditaments whatsoever, to them, their Heirs, Executors, Administrators and Assigns respectively, according to the several Tenures in such Original Patents, Grants, Deeds indented or Deeds poll and mesne Conveyance, or last Will derived from and under them, respectively mentioned and expressed, and that against his said Majesty, his Heirs and Successors for ever, and against all and every the said Lords Proprietors and their Heirs, and all and every person and persons whatsoever, save and except as herein after is saved and excepted, and that for and notwithstanding any Misnomer or Omission of the Names of any of the said Lords Proprietors or their Deputies, any want



## QUIT-RENTS.

Numb. 544.

want of significant and necessary Words in Law, for conveying of such Lands, any Omission, Commission or Mistake whatsoever, in the said Grants done, omitted or committed by all or any of the said Lords Proprietors, their Deputies or Trustees commissioned by the said Lords Proprietors, for selling of Lands in this Province, according to the true Intent and Meaning of this Act; and also for and notwithstanding any proper Seal or Seals not being used or affixed by the said Proprietors, their Governours, Deputies, Commissioners or Trustees, to all or any such Patents, Grants, Indentures, Deeds or Commissions; and also for and notwithstanding the Lands granted or conveyed, or intended to be granted and conveyed by such Patents Grants, Deeds indented or poll, have not been sufficiently described or ascertained in such Patents, Grants, Deeds indented or poll, so that nevertheless any such Lands, or some part thereof have been surveyed or metted out, or ascertained by Survey to such Patentees, Grantees or Purchasers, or to their Heirs or Assigns, or to the Heirs or Assigns of the persons named as Patentees or Grantees or Assignees, in such Patents or Grants, or Deeds of Assignment, or to their or any of their Attornies or Agents in their Behalf, by a Survey of a sworn Surveyor or Surveyors, as part of such Patent Lands, or certified or returned into the Office of Surveyor General by a sworn Surveyor or Surveyors thereto appointed; or so that the same Lands, or some part thereof have been described or ascertained by subsequent Grants thereof, to such Original Patentees, Grantees or to persons named as such, their Heirs or Assigns, or to Under-purchasers by mesne Conveyances from such Original Patentees, Grantees or Assignees, or persons named as such, their Heirs or Assigns, or to persons claiming under them as such, or to their Attornies or Agents, in their or any of their Behalf, before the passing of this Act; or so that any Lands which at any Time within *Two* Years after a Surveyor General shall be appointed by his Majesty, and after his the said Surveyor General's Arrival in this Province, be metted out and ascertained to any Patentee or Patentees, their Heirs or Assigns, or persons claiming under them as such by virtue of any Patents, Grants, Indentures or Deeds heretofore made by the said Proprietors before the said Act of Parliament passed in *Great-Britain*, for vesting the same in his Majesty; and also for and notwithstanding any want of Livery and Seisin, Enrollment, Attornment or any other Defect whatsoever, in the Execution of all or any such Patents, Grants, Deeds, indented or poll, so made by the said Lords Proprietors or any of them, their Governours, Deputies or Commissioners, or in the not timely Execution, or for the Non-Execution of the same, by reason of the first or former Patentee or Patentees dying before such Lands were metted out to him or them, in part of such Patents or otherwise howsoever, so that nevertheless the Heir or Heirs of the persons who were named as Patentees or Grantees, or Purchasers in such Patents, Grants or Deeds of Assignment, or the Heirs or Assigns of such first or former Patentee or Patentees, or any person or persons whatsoever, claiming as such, under all or any of them, their Agents or Attornies, did cause any part of such vacant and unoccupied Lands to be metted

Or defect in describing the Lands.

So that some Part thereof hath been metted out by a sworn Surveyor before the passing this Act.

Or be ascertained within 2 Years after the Arrival of the Surveyor General.

And notwithstanding any want of Livery and Seisin, &amp;c.



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Notwithstanding any Defect in Form or Substance, so that some part of such Lands have been ascertained.

Are hereby ratified and confirmed.

Saving to all persons &c. other than to his Majesty, &c.

This Act not to abridge the Right of Lord Carteret, &c.

out or ascertained to them or any of them, their Heirs or Assigns, or persons named as such in such Deeds of Assignment, Conveyances or Last Wills, or to their Attornies or Agents in their Behalf, by Survey or Surveys of a sworn Surveyor or Surveyors, or certified or returned into the Surveyor General's Office, for or in part of such Patent Lands before conveyed or intended to be conveyed by such Original Patents, Grants, Indentures or Deeds; or so that such Lands be meeted out to such Patentee or Patentees, at any Time within *two* Years after a Surveyor shall be appointed and arrive in this Province as aforesaid; and also for and notwithstanding any other Defect, Omission or Commission in Form or Substance, Law or Fact, in all or any such Original Patents, Grants, Indentures or Deeds, or Assignments of the same, or in the Execution thereof, or of any of them, so that such Lands or some part of them, have been meeted out or ascertained to such Patentees, Grantees or Assignees, or to persons named as such in any such Patents, Grants or Deeds, or Assignment, or to their Attornies or Agents in their Behalf, or returned into the Surveyor General's Office as aforesaid, at any Time before the passing of this Act, and all and every such Patents, Grants, Indentures and Deeds, and all other Patents, Grants, Indentures or Deeds from the said Proprietors, their Governours, Deputies, Commissioners or Trustees where any Lands have been so meeted or ascertained or returned as aforesaid, and the Assignments thereof, are hereby ratified and confirmed, for and notwithstanding all or any such Defects in the Patents, Grants or Deeds aforesaid, or any of them, or the Assignments thereof, or other Defects whatsoever, in not timely executing, undue or Non-Execution thereof as aforesaid, or so that such Lands be meeted out to such Patentee or Patentees, at any Time within *two* Years after the Arrival of a Surveyor to be appointed by his Majesty as aforesaid: Saving to every person and persons whatsoever, Bodies politick and corporate, their Executors, Administrators and Assigns, other than to the King's Majesty, his Heirs and Successors, and other than to the said Lords Proprietors, and their Heirs, and other than to such person and persons who do or may stand seized or possessed in Trust for his said Majesty, his Heirs and Successors, or for the said Lords Proprietors, all such Right, Title, Interest and Demand whatsoever, which they or any of them now have or may claim of, in or to the said Lands, Messuages, Tenements and Hereditaments whatsoever, so granted as aforesaid, or any part thereof, as fully and effectually to all Intents and Purposes, as if this Act had not been made, this Act or any Thing therein contained to the Contrary notwithstanding: *Provided* also, That nothing in this Act contained shall extend or be construed to alter or abridge the Right Honourable *John Lord Carteret*, his Heirs, Executors, Administrators or Assigns, or the said Lords Proprietors or their Heirs of any Estate, Right, Title or Interest whatsoever, which have or hath been saved and reserved unto the said *John Lord Carteret*, or to the late Lords Proprietors, or any of them, in and by the said Act, entituled, *An Act for Establishing an Agreement with Seven of the Lords Proprietors of Carolina, for the Surrender of their Title and Interest* in



## QUIT-RENTS.

Numb. 544.

*in that Province to his Majesty*; nor to revive or enlarge any Estate or Right or Interest whatsoever in the said Lords Proprietors, or any of them, their or any of their Heirs, of, in and to the Provinces and Territories aforesaid, or any part thereof, which they or any of them have granted and conveyed as aforesaid, to any person or persons whatsoever, or which they have surrendered to his Majesty by virtue of the last herein before recited Act.

XX. AND whereas divers new comers and others, being desirous to take up Lands in this Province, in order to settle, cultivate and improve the same, but have no Patents or Grants from the late Lords Proprietors, their Governors, Deputies or Commissioners, nor any Deeds of Purchase, derived under any such Patents or Grants, altho' many have paid their Purchase Money to the late Lords Proprietors Receiver General, and in Pursuance thereof have metted our and ascertained the same by legal Warrants and Surveys, yet could obtain no Grants, by reason of the Land-Office being shut up for several Years past, We therefore pray your most Sacred Majesty that it may be Enacted, **And be it Enacted**, by the Authority aforesaid, That such Persons may be enabled to take out Grants from his Majesty before others who have made no such purchase, nor obtained and made such legal Warrants and Surveys; and that the persons who have made such purchases, and obtained legal Warrants, and made Surveys in pursuance thereof, may hold the same by Grants from his Majesty, at the Quit-Rents respectively and usually reserved on Lands, when such purchases were made preferable to all others: *Provided* such Persons do produce purchase Receipts, or Copy thereof, from the Receiver's Books, for the Purchase Money of such Land, to his Excellency the Governor, and shall make Oath before him that the Land he claims, was surveyed and ascertained to him or his Ancestor, or some person under whom he claims, by virtue of a Warrant and such purchase Receipt; and that no other Land whatsoever, is held by him or any other person whatsoever, by virtue of the said Warrant and purchase Receipt, to the best of his Knowledge. *Provided* also that the person possessing such Lands, by virtue of such purchase Receipt and Survey, agreeable thereto, do prove that He, his Ancestor, or the Person under whom he claims, have constantly paid the usual Taxes for such Land, either by Receipt, or from the Tax Books of the Publick Receiver of this Province: And to prevent all disputes that may arise, who are lawful Surveyors; **It is hereby Enacted and Declared**, That the Surveyor General and his Deputies, who have been appointed by the late Lords Proprietors, or by virtue of any power or authority derived from them, were, shall be and are hereby declared to be lawful Surveyors, and so shall be and continue until such time as others are or shall be appointed by his Majesty, and for and until such time as the Surveyor or Surveyors, so appointed or to be appointed, by his Majesty, shall take on him or them the execution of their said Office,

Persons who have formerly paid their purchase Money & metted out Lands, may have Grants at the old Quit-Rent.

Provided such persons make Oath, &c.

And have paid Tax for the same.

Who shall be deemed lawful Surveyors.



Numb. 544.

## QUIT-RENTS.

Penalty on Officers  
taking unlawful  
Fees,

XXI. And be it further Enacted by the Authority aforesaid, That no Surveyor or Surveyors, Auditor or his Deputy, Secretary or his Deputy, or other Officer whatsoever, shall take any Præmium, Fee, Present, Gratuity or Reward, directly or indirectly, other than the legal Fees by himself or by any other in his behalf, either for the preferring or post-poning of any Grant whatsoever, or for renewing thereof, under the penalty of forfeiting Ten Times the value of the Premium, Fee, Present, Gratuity or Reward, so taken, to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of Record in this Province, wherein no Essoign, Protection, Injunction or Wager of Law shall be allowed or admitted of, the one Half of which shall be to his Majesty for the Support of this Government, the other half to him or them that will sue for the same: And for the better preventing and detecting thereof, **It is hereby Declared**, That the person giving such Præmium, Fee, Present, Gratuity or Reward, may give the same in Evidence upon the Trial.

Act to ascertain the  
prices of Land, &c.  
Repealed.

XXII. And be it further Enacted by the Authority aforesaid, That one Act, entituled, (i) *An Act to ascertain the Prices of Lands, the Forms of Conveyances, the Manner of recovering Rents for Lands, and the Prices of the several Commodities the same may be paid in*, passed the Sixteenth Day of March, One Thousand Six Hundred Ninety Five, from and immediately after the passing of this Act be and is hereby Repealed.

(i) No 124

Seven eight parts of  
Arrears of Quit-  
Rents to the 25th of  
March 1721, re-  
mitted.

XXIII. And be it further Enacted by the Authority aforesaid, That the *Seven eight* parts of all and every Arrears of Quit-Rents reserved and payable to the late Lords Proprietors, or to his Majesty, out of any Messuages, Lands, Tenements or Hereditaments whatsoever, within this Province, from any Person or persons being within or without the same, and also all other Rents and Arrears of Rent whatsoever, due unto his Majesty until the *Twenty-fifth* of March last, be and are hereby declared to be absolutely remitted and for ever discharged.

Act for sinking the  
Paper Bills suspend-  
ed for 7 years.

XXIV. And it is hereby further Enacted and Declared That the Execution of one Act, entituled, (k) *An Act for calling in and sinking the Paper Bills*, passed the Fifteenth Day of February, in the Year of our Lord One Thousand Seven Hundred and Twenty Three, be and is hereby suspended for the space of seven Years, to commence from the passing of this Act.

(k) No 499  
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And appropriated.

XXV. And be it further Enacted by the Authority aforesaid, That all the Monies which hath arisen or due upon the Duties of the Imports, to the *Five and Twentieth* Day of March, One Thousand Seven Hundred and Thirty One, shall be appropriated and applied toward payment of the publick Debts to the said *Twenty-fifth* Day of March, One Thousand Seven Hundred and Thirty One, in such Order and Manner as in and by an Act of the General Assembly hereafter to be made or passed, shall be directed and appointed, and that



## QUIT-RENTS.

Numb. 544

that the Sum of *Five Thousand Pounds per Annum*, in the present Currency, which shall hereafter arise upon the Duties of the Imports of this Province, be appropriated and applied for the Space of *Seven Years*, to commence from the said *Five and Twentieth Day of March*, One Thousand Seven Hundred and Thirty One, to the Charge of Surveying and Laying out Town-ships, and to the purchasing of Tools, Provisions and other Necessaries, for any poor Protestants that shall be desirous to settle in the said Province, according to his Majesty's *Twentieth* Instruction to his Excellency the Governour, and that the Residue of the Duties which hereafter shall arise upon the Imports of this Province, be appropriated and applied for the space of *Seven Years*, to commence from the passing of this Act, towards Payment of the Residue of the publick Debts now due, and in such Manner and Order as in and by any Act of the General Assembly hereafter to be made or passed, shall be directed and appointed as aforesaid, the said Act, entituled, *An Act for calling in and sinking the Paper Bills*, or any other Act to the contrary thereof, in any wise notwithstanding.

(D) No. 344

(m) § 1.

XXVI. AND whereas by an Act, entituled, (l) *A Declaratory Act concerning the several Acts of Assembly of this Province that are repealed, and also concerning the Adjournments of the Commons House of Assembly*, it is Enacted in the (m) first Clause of the said Act, That no Act of Assembly of this Province that now standeth or hereafter shall stand Repealed, by any other Act, or Clause or Paragraph of any Act of this Province, shall be revived by the Repealing of such Repealing Act, but that the same shall stand repealed, and so continue to be always repealed, excepting the same shall by expresse words of some other Act or Acts of the Assembly of this Province be revived and enacted to be again of Force, any Law or Custom to the contrary thereof in any wise notwithstanding; and the said Clause hath been found inconvenient, **Be it therefore Enacted** by the Authority aforesaid, That the said first Clause of the said Act, be and is hereby Repealed.

Part of the Act No. 344, Repealed.

XXVII. And be it further Enacted by the Authority aforesaid, That if any Officer or Officers whatsoever, who are required to put this Act, or any part thereof in Execution, shall happen to be sued for any Breach or pretended Breach thereof, he and they shall be at Liberty to plead the General Issue, and to give this Act or any other special Matter in Evidence for his Justification.

Officers sued, may plead the General Issue.

XXVIII. AND to the end that no person may hereafter suffer any inconveniency by producing their Grants or Title Deeds before the said Auditor, or by Registering such Grants, or Memorials of such Grants or Title Deeds, by exposing the Defects of such Grants or Title Deeds, **It is hereby Enacted and Declared**, That no Grant, Deed of Feofment, Deed of Bargain and Sale, Deeds of Gift, or other Conveyance of any Lands or Tenements whatsoever heretofore made, shall be impeached or set aside in any Courts of Law or Equity, for want of Attornment, or of Livery and Seisin, or Enrollment thereof,

No Grant or Deed shall be set aside or impeached in any Court for want of Livery and Seisin, &amp;c.



Numb. 544.

## QUIT-RENTS.

This Clause not to  
extend to Suits now  
depending.

or for that such Conveyance hath been made by way of Assignment or Indorsement on such Deeds or Grants, without other Ceremony, nor for any other Defect in the Form or in the Manner of the Execution of such Deeds or Grants, or of the Indorsements or Assignments thereof, either by the first Grant, or in any of the mesne Conveyances derived therefrom, so that the Right were or would have been in the Person conveying, if such Defects had not happened in the Form of such Grants, Deeds or Conveyances, or in the Manner of the Execution of the same as aforesaid. *Provided* always nevertheless, That nothing in the last mentioned Clause shall extend, or be construed to extend to Suits now actually depending for any Lands or Tenements, in any Courts of Law or Equity but that the same be and remain in such Plight and Condition as they would have been if this Act had never passed.

The Method of  
Feme Coverts con-  
veying their Inhe-  
ritances in this Pro-  
vince, &c. esta-  
blished, and their  
former Conveyances  
made valid.

XXIX. AND whereas no Office or Offices have been hitherto established, whereby any Fine might be passed for barring any Feme Covert of her Right and Inheritance, or of her Dower or Thirds in any Lands or Tenements, but such Feme-Coverts have only joyned with their Husbands in such Conveyances, and by the Practice of late Years being privately examined before the Chief-Justice of the Province, have acknowledged that they did freely and voluntarily joyn with their Husbands in such Conveyances, without any Compulsion, Dread or Fear of their said Husbands, which being certified by the Chief-Justice, the same hath been entered of Record in the Office of Pleas, yet no Law hath hitherto passed for establishing and confirming such Practice, so that such Titles may be still deemed defective, **Be it therefore Enacted** by the Authority aforesaid, That all Deeds and Conveyances heretofore made, where the Wife hath joined with her Husband in the Conveying of any Lands and Tenements which were the Estate or Inheritance of the Wife, or for the barring of her Dower and Thirds, shall be deemed good and effectual in the Law to all Intents and Purposes, to bar such Feme Covert and her Heirs, of such Estate as therein is expressed, so that the Right were in such Feme Covert at the Time of making such Conveyance, and for the Barring of her Dower and Thirds, where any such Estate might accrue to her after the Decease of her Husband, unless it shall hereafter appear, that such Feme Covert was under some Restraint or Force at the Time of doing thereof; and that all Feme-Coverts who have heretofore joined with their Husbands in the Conveying of their Estates, or for the barring of their Dower and Thirds of any Lands and Tenements, and have been privately examined before the Governour or Chief-Justice, or any Justice of the Court of Pleas, or before any Commissioners thereto authorized by the Governour or Chief-Justice, and have acknowledged that they did freely joyn with their said Husbands in Conveying such their Estates, and Releasing their Right thereto, and the same hath been certified by the said Chief-Justice or Justices, and recorded in the Office of Pleas in this Province, that all and every such Feme Coverts and their Heirs, shall and are hereby declared to be effectually barred of their Right, of, in and to such



## QUIT-RENTS.

Numb. 544.

such Lands and Tenements, from the Time of acknowledging the same, and the persons claiming under such Conveyances shall and may hold such Lands and Tenements, against all Persons whatsoever, for such Terms and Estates as were mentioned in such Conveyance, where the Rights were in such Feme-Coverts at the Time of executing such Conveyances, or her acknowledging or passing away the same in manner as aforesaid, and for the Barring of her Dower and Thirds, where any Right of Dower or Thirds might accrue to her after the Decease of her Husband, and that the usual Method and Practice now observed for the barring of any Feme-Covert of her Estate or Inheritance, or of her Dower and Thirds, by joyning freely and voluntarily with her Husband in any Conveyance for the Purposes aforesaid, and acknowledging the same before the Chief-Justice for the Time being, or before any persons by him thereunto authorized, and certified by the said Chief-Justice, and recorded in the Office of Pleas, shall be deemed as effectual and valid in the Law to all Intents and purposes whatsoever, as any Fine passed in due form of Law in his Majesty's Court of Pleas at *Westminster*, for Conveying of Lands in *Great Britain*.

**XXX. And be it further Enacted** by the Authority aforesaid, That the Records of all Grants in the Office of the said Auditor General or his Deputy, and the Records of all Grants and Deeds duly proved before a Justice of the Peace, according to the usual method, and Recorded or to be Recorded in the Register's Office of this Province, and also the attested Copies thereof, shall be deemed to be as good Evidence in the Law, and of the same force and effect as the Original would have been if produced, in all Courts of Law and Equity.

**XXXI. And be it further Enacted** by the Authority aforesaid, That if upon any Survey hereafter to be made of any Persons Lands, it shall appear that there are more Acres of Land contained within the bounds of his Plot, or the marked Trees or Stakes, specified in the said Plot, than is expressed in the Grant or Deed, by which any Person holds the same, that then the Person claiming such over-plus, as being contained or supposed to be contained within the bounds of his Plot or marked Trees, shall be preferred to a new Grant thereof, before any other Person whatsoever, at the same Quit-Rent reserved on his Original Grant or Deed, *Provided* no Person hath purchased the same before the passing of this Act; and if it appears that any Person hath a less number of Acres than by his Grant or Deed is expressed, that then and in such case, he shall pay no more Quit-Rent than what he shall appear to be possessed of on such new Survey, any thing herein before contained to the contrary thereof in any wise notwithstanding; and where there is a less quantity of Acres of Lands in any person's Grant or Deed, than his Grant or Deed expresses, such person shall be entitled to a new Grant of vacant Land to make up the Deficiency at the same Quit-Rent that is reserved on such Grant or Deed.

*Charles-Town, Council-Chamber, the Twentieth of August, 1731*

Assented to

ROBERT JOHNSON.

W. M. DONNING, Speaker.

AN

Records in the Auditor's & Register's Office, Evidence in Law.

Concerning over Measure of Land in former Grants.



Numb. 545.

## AN ACT

*To repeal an Act for appointing a Chappel at Echaw, in the Parish of St. James Santee, in Craven County, and for erecting two other Chappels in the said Parish, and to provide, that the Rector for the Time being of the said Parish, do preach and perform Divine Service in the English Tongue.*

Preamble.

**W**HEREAS the Parish of *St. James Santee*, in *Craven County*, is a Parish of large Extent, and the Habitations of many of the Parishioners are remote and too far distant from the Parish Church, We humbly pray your most sacred Majesty, that it may be Enacted, and **Be it Enacted** by his Excellency *ROBERT JOHNSON* Esq; Governor, by and with the Advice and Consent of his Majesty's honourable Council, and the Commons House of Assembly of this Province, and by the Authority of the same, That *one* Chappel of Ease be built and erected in the lower Part of the said Parish, that is to say, at the Point of the Dividing of the Paths leading to *Mr. Jerman's* and *Santee Savannah*, commonly called *Mr. Horry's Savannah*.

That one Chappel of Ease be built in the lower part of the Parish of *St. James Santee*.

And one other in the upper part of the said Parish.

**II.** And be it further Enacted by the Authority aforesaid, That *one* other Chappel of Ease be built and erected in the upper Part of the said Parish, some where near the place in the said District, commonly known by the Name of *Mr. Watie's Wolf-Trap*.

The Rector of the Parish to perform Divine Service in the said Chappels in the English Tongue.

**III.** And be it further Enacted by the Authority aforesaid, That the Rector of the Parish of *St. James Santee* for the Time being, be impowered, and he is hereby required to perform all Ecclesiastical Duties in the said Parish, one *Sunday* at the Parish Church, the next *Sunday* at the Chappel in the lower District, the third *Sunday* at the Chappel in the upper District of the said Parish alternately, in the *English Tongue*, according to the Rules and Customs of the Church of *England*, and according to the Laws and Customs of the Churches and Chappels in other parts of this Province, any Law, Usage or Custom to the contrary in any wise notwithstanding.

**IV.** AND whereas an Act, entituled, (a) *An Act to erect a Parochial Chappel in the Parish of St. James Santee*, Ratified in open Assembly the *Twelfth Day of June*, One Thousand Seven Hundred and Fourteen, at that part of the Parish commonly called *Echaw*, and the said Chappel being found by Experience to be of small Use to the greatest part of the Inhabitants of the said Parish, and the Chappel to be erected in the lower District of the said Parish, will much

(a) No 356



*Reprinting the Bills of Credit.*

Numb. 545.

much better answer the Designs of the said Law, **Be it therefore further Enacted** by the Authority aforesaid, That the aforesaid Law, and all Things therein contained, be hereby Repealed and made void.

A former Act for erecting a Chappel at Esbaw repealed.

V. **And be it further Enacted** by the Authority aforesaid, That Mr. *Jonah Collins*, Mr. *Daniel Mc Gregory*, and Mr. *Elias Horry*, be and are hereby appointed Commissioners to erect and build the said Chappel in the lower District; and that Mr. *William Waties*, Mr. *William Drake* and Mr. *Thomas Cooper*, be also appointed Commissioners to build the said Chappel in the upper District; and the Commissioners for the lower Chappel have Power to draw on the publick Treasurer of this Province, for the Sum of *Two Hundred Pounds* for the Erecting the lower Chappel, and that the Commissioners for the upper Chappel have also power to draw on the publick Treasurer of this Province, for the Sum of *Two Hundred Pounds*, for erecting the upper Chappel, and the said publick Treasurer is hereby impowered and required to pay the same accordingly.

The Commissioners for building the said Chappels.

who are impowered to draw on the publick Treasurer for 200 l. for each of the said Chappels.

WM. DONNING, Speaker.

*Charles-Town, Council-Chamber,  
the Twentieth of August, 1731.*

Assented to, ROBT. JOHNSON, Governour.

AN ACT

546.

*For Calling in, Reprinting and Exchanging  
the Paper Bills of Credit.*

See Num.  
556, 563.

**W**HERES the present Paper Bills of Credit current in this Province are now become old, and by passing from Man to Man, obliterated, torn and defaced, so that their Denominations are very difficult to be distinguished, to the great Obstructing of their Currency, and the Prejudice of the Possessors of them; We most humbly pray your most sacred Majesty, that it may be enacted, and **Be it Enacted** by his Excellency *Robert Johnson* Esq; Governour, by and with the Advice and Consent of his Majesty's honourable Council, and the Commons House of Assembly, and by the Authority of the same, That the Honourable (a) *Francis Yonge* Esq, Mr. *Roger Saunders* and Mr. *Othniel Beale*, be and are hereby appointed Commissioners to put in Execution the several Powers and Authorities herein after mentioned, and shall be sworn and enter into Bond jointly and separately, to the publick Treasurer of this Province, for the Use

Preamble,

Enacted.

That the persons within named are Commissioners to put in Execution the Powers given them in this Act.

(a) See  
No 563.

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of



Numb. 546.

Reprinting the Bills of Credit.

The said Commis-  
sioners to reprint  
106500*l.* in Bills of  
Credit.

The Bills to be  
indented and num-  
bered, and the  
Counterpart to have  
the same Number.

The Bills to be  
signed by the Com-  
missioners, and  
stamped with the  
value.

The said Bills shall  
be current in all  
Payments.

Counterfeiting the  
said Bills Felony  
without Benefit of  
Clergy.

of the Publick, in the Penalty of *Three Thousand Pounds Procla-  
mation Money*, that they will duly execute the several Powers given  
them by this Act, before they enter on their said Office.

II. And be it further Enacted by the Authority aforesaid,  
That the said Commissioners shall have Power, and they are hereby  
authorized to Reprint the Sum of *(b) One Hundred and six Thousand  
Five Hundred Pounds*, in Bills of Credit, and with such Devices and  
Stamps as they the said Commissioners shall be appointed and directed  
by his Excellency the Governour, by and with the Advice of his  
Majesty's Council, and they the said Commissioners are hereby  
directed to prepare and lay a Scheme accordingly before them for their  
Approbation, the lowest Bill to be *Five Shillings*, and the highest  
*Twenty Pounds*, to be used and disposed of in Manner as is herein  
after directed.

(b) See No.  
556, the  
Preamble

III. And be it further Enacted, That all Bills printed by  
virtue of this Act shall be indented, and the Counter part of the  
Indenture kept on Files, and that each of the said Bills shall be  
numbered, and the Counter-part of each Bill shall have the same  
Number as the Bill, to the Intent that if any person shall suspect any  
of the said Bills to be counterfeited, raised or altered, such person may  
compare the Indenture of the said Bill with the Counterpart thereof,  
and the said Commissioners are hereby required to lodge the Files of  
Counterparts in the Hands of the publick Treasurer of this Province,  
to be produced to any person that shall desire to compare any of the  
aforesaid Bills therewith, without Fee or Reward; and the said Bills,  
and each and every of them shall also be signed by the said Com-  
missioners, who shall cause each of the said Bills to be stamped with  
the Value or Denomination thereof, and shall take all such further  
and other necessary Ways and Means to prevent the said Bills from  
being counterfeited, as they in their Discretion shall think fit.

IV. And be it further Enacted by the Authority aforesaid,  
That all and every the aforesaid Bills of Credit, to be printed by  
virtue of this Act, shall be current in all Payments for the Sum of  
Money therein mentioned, and shall be taken and deemed a good  
Tender in Law; and in case any person or persons shall refuse to accept  
any of the said Bills being tendered in Payment, that the person or  
persons who shall have tendered the same, may on any Action brought  
for the Sum so tendered, give such Tender refusal, and this Act in  
Evidence on the General Issue pleaded, which shall be taken and  
deemed as an absolute Discharge of the said Debt, and shall per-  
petually barr the Plaintiff from recovering such Sum so tendered as  
aforesaid.

V. And be it further Enacted, That any person or persons  
whatsoever that shall counterfeit, raise or alter any of the said Bills  
so to be reprinted and issued out by virtue of this Act, or shall offer  
the same in Payment, knowing the same to be counterfeited, raised  
or



*Reprinting the Bills of Credit.*

Numb. 546.

or altered, and every person or persons that shall assist, abet or procure the counterfeiting, rasing or altering such Bills, being thereof duly convicted, are hereby declared and deemed guilty of Felony, and shall suffer Death as Felons without the Benefit of the Clergy.

VI. And be it further Enacted, That as soon as the said new Bills are reprinted, signed and fit to be issued, the said Commissioners shall exchange the said new Bills for the old, and shall give publick Notice under their Hand, of the Place where they keep their Office for Exchanging the same, and Times when they fit to exchange the said Bills, and shall enter into a Book to be kept for that Purpose, the Name of the person bringing in any Bills, and the Sum brought in the Presence of the Party bringing in the same, and shall put the Bills so brought on a File or Bundle, and the said Commissioners are hereby impowered to deliver unto the Proprietors of the old Bills, new Bills in value equal to the old Bills.

The Commissioners shall exchange the new Bills for the old.

VII. And be it further Enacted by the Authority aforesaid, That all the old Bills that shall be received by the said Commissioners, and filed or bundled according to the Direction of this Act, shall be by the said Commissioners burnt, in the Presence of his Excellency the Governour or Commander in Chief for the Time being, and any two of his Majesty's Council, and in the Presence of a Committee to be appointed by the Commons House of Assembly, and that after the (c) first Day of June, One Thousand Seven Hundred and Thirty Two, none of the Bills now outstanding shall be a lawful Tender, or of value to any person whatsoever.

The old Bills received in to be burnt, and those outstanding not be current after the 1<sup>st</sup> of June 1732.

VIII. And be it further Enacted by the Authority aforesaid, That upon Exchanging the new Bills for the old, if it shall so happen there are more new Bills stamped than there are brought in old Bills, that then the said Commissioners shall pay the remaining part unto the publick Treasurer, for the Use of this Province.

New Bills remaining unexchanged shall be paid to the publick Treasurer.

IX. And be it further Enacted by the Authority aforesaid, That each of the said Commissioners shall be allowed for their Service in executing of this Act, the Sum of *Five Hundred Pounds*, to be paid them out of the Publick Treasury of this Province.

The Commissioners allowed each 500 l

WM. DONNING, Speaker.

Charles-Town, Council-Chamber,  
the Twentieth of August, 1731.

Assented to, ROBT. JOHNSON, Governour.

AN

(c) Alter'd,  
The said  
Bills to be  
current till  
March 25,  
1734, See  
Num. 556  
§ 2.



## JURY-MEN.

Numb. 547.

*An Act for appointing an Agent to solicit the Affairs of this Province in Great-Britain.*

Passed August 20, 1731.

Expired.

548.

*An Act to revive and continue the several Acts therein mentioned.*

Passed August 20, 1731.

The T. A. Numb. 1, 2, 3, 5, 6, &amp; 10, and the Acts No. 519, 496 and 482, continued for One Year.

549.

## AN ACT

*For Obliging Persons living and residing in the Counties and Precincts of this Province, to serve as Jury-men in Charles-Town, and for Repealing of a certain Clause in an Act, entitled, \* An Act for settling the Titles of the Inhabitants of this Province, to their Possessions in their Estates within the same, and for Limitations of Actions, and for avoiding Suits in Law.*\* No 334.  
§ 12.

Preamble.

**W**HEREAS several Persons were heretofore exempted to serve as Jurors in *Charles-Town*, on Account of their Attendance given at the (a) County and Precinct Courts, and that notwithstanding the greatest Part of the Causes are tried in *Charles-Town*, by reason of the Disuse of several of the said Courts, yet such persons still claim the Benefit of such Exemption, to the great Prejudice of those whose Suits were heretofore decided and determined in the said County and Precinct Courts, and are now decided and determined at the said Courts of *Charles-Town*, We therefore pray your most sacred Majesty, that it may be enacted, and **Be it Enacted** by his Excellency *Robert Johnson* Esq; Governour, by and with the Advice and Consent of his Majesty's honourable Council, and the Assembly of this Province, and by the Authority of the same, That the several Persons living and residing in the several Counties and Precincts of this Province, and inserted in the (b) Lists of Juries (excepting the County and Precinct of *Port-Royal*) shall be drawn and duly summoned and impannelled, and obliged to serve on Juries at *Charles-Town* Court, in the same Manner as the Inhabitants of *Charles-Town* Precinct are drawn and summoned; any Law or Usage to the contrary thereof in any wise notwithstanding.

(a) See  
No. 466,  
& 483.(b) No. 542  
from pag.  
521 to p.  
526, and  
from pag.  
528 to p.  
540.

Enacted,

That the Jurors living in the several Counties and Precincts in this Province, shall serve as Jurors in *Charles-Town*.

II.



## JURY-MEN.

Numb. 549.

(c) No. 334

(d) § 12.

II. AND whereas by an Act, entitled, (c) *An Act for settling the Titles of the Inhabitants of this Province to their Possessions in their Estates within the same, and for Limitations of Actions, and for avoiding Suits in Law*, passed the Twelfth Day of December, One Thousand Seven Hundred and Twelve, it was *Enacted* amongst other Things, (d) That for the Ease and Security of Executors and Administrators in paying in the Debts and Legacies of the deceased, That in case any person or persons whatsoever, to whom the Deceased was indebted, or hath any Manner of Demand, Claim or Right, or Cause of Action whatsoever, against the said Executors or Administrators, be it by Judgments or Recognizances or other Debts of Record, or by Debt upon any Bond or Obligation, or other Specialty, or by Covenant, or by Account, or Book Debt, or any other Cause whatsoever, shall make his or their Demand thereof by some legal Process, Suit or Action, within *two* Years after the Death of the Testator or intestate Person, in case the Cause of such Action or Suit accrued at the Time of the Death of the Deceased, or else within *two* Years after the Cause of Action accrued, and at no Time after, excepting any person or persons beyond the Seas, Feme Covert or imprisoned, who shall be allowed *one* Year longer, and no more; and also except any person or persons that are under the Age of *Twenty one*, who shall be allowed to bring their Action at any Time within *two* Years after they come to Age, and if beyond Sea *three* Years; And whereas the said Clause is highly prejudicial to Trade, and divers Creditors have been injured by their Indulgence to Executors and Administrators, in favouring the Estates of Persons deceased, who have afterwards taken Advantage of the said Clause to out the Creditors of their just Debts, **Be it therefore Enacted** by the Authority aforesaid, That the said Clause before recited, and every Matter and Thing therein contained, be and is hereby from henceforth *Repealed, Annulled* and made *Void* to all Intents and Purposes whatsoever.

WM. DONNING, Speaker.

Charles-Town, Council-Chamber,  
the Twentieth of August, 1731.

Assented to, ROBT. JOHNSON.

See Num.  
551, 552.

*An Act for Raising the Sum of Twenty Seven Thousand Nine Hundred and Five Pounds for Defraying the Charges of the Government for one Year, commencing the Twenty-fifth Day of March, One Thousand Seven Hundred and Thirty One, and ending the Twenty-fifth Day of March, One Thousand Seven Hundred and Thirty Two.*

Passed August 20, 1731.

Expired.

550.

The 12th Clause of  
the Act No. 334,  
Repealed.



## TITLES of ACTS Expired and Repealed.

Numb. 551.

*An Act to supply the Defects in the Execution of an Act, entitled, \* An Act for Raising the Sum of Twenty Seven Thousand Nine Hundred and Five Pounds for Defraying the Charges of the Government for one Year, commencing the Twenty-fifth Day of March, One Thousand Seven Hundred and Thirty One, and ending the Twenty-fifth Day of March, One Thousand Seven Hundred and Thirty Two, and to give a further Time to the Inquirers and Assessors named and appointed in the said Act, to make their their Returns.*

\* No. 550.

Passed November 20, 1731.

Expired.

552.

*An Act further to supply the Defects in the Execution of an Act, entitled, † An Act for Raising the Sum of Twenty Seven Thousand Nine Hundred and Five Pounds, for the Defraying the Charges of the Government for one Year, commencing the Twenty-fifth Day of March One Thousand Seven Hundred and Thirty One, and ending the Twenty-fifth Day of March One Thousand Seven Hundred and Thirty Two, and to give a further Time to the Inquirers and Assessors named and appointed in the said Act, who have not yet made their Returns.*

† No. 550.

Passed February 26, 1731.

Expired.

553.

*An Act to prevent any Delay of Justice that may be occasioned by not drawing the Juries which are to serve at the next ensuing Court of Common Pleas, General Sessions of the Peace, Oyer and Terminer, Assize and General Goal Delivery, on the Days appointed for that Purpose, and for the Regulating of the several Courts therein mentioned.*

Passed February 26, 1731.

*Repealed by Order of the KING's most Excellent Majesty in Council, as appears by the Instrument of Repeal bearing Date the 4th Day of March, 1735. Exemplified in the Second Part, containing the Temporary Acts, Numb. 30.*



## AN ACT

Numb. 554.

*For laying out a publick Road from the Ferry at Mr. John Parker's Plantation, on the West Side of Pon Pon River, in the Parish of St. Bartholomew, to the Round O Savanna.*

**W**HEREAS the Inhabitants of the upper part of the aforesaid Parish (who daily increase) are under great Inconveniencies to carry their Produce to a Landing, by reason they have no publick Path established by Law, We therefore pray your most sacred Majesty, that it may be Enacted, and **Be it Enacted** by his Excellency **ROBERT JOHNSON** Esq; Governor, Captain General and Commander in Chief, in and over his Majesty's Province of *South-Carolina*, by and with the Advice and Content of his Majesty's honourable Council, and the Assembly of this Province, That there be a Road or Path laid out from the Ferry aforesaid to the Round O Savanna, and that all the Inhabitants and Owners of Slaves that live, or have any Slaves settled between the said Ferry and Round O Savanna, be obliged, and are hereby directed to assist in laying out, making and keeping in Repair the said Road or Path, according to the Directions of the Commissioners hereafter named.

Preamble.

Enacted,

That a Road be laid out from the Ferry aforesaid to the round O Savanna,

**II. And be it further Enacted** by the Authority aforesaid, That *John Carmichael* Esq; *Mr William Brown*, *William Shingleton*, *Mr. Bryan Kelly* and *Mr. John Mc Teer*, be and are hereby appointed Commissioners to lay out and give Directions for making and repairing the said Road, and that the said Commissioners have the same Powers and Authorities, and be under the same Restrictions and Limitations, in laying out, making and Repairing the said Road or Path, as any other Commissioners of the High-Roads and publick Paths, in any other Part of this Province, are invested with or subject to, any Law, Usage or Custom to the contrary in any wise notwithstanding.

The Names of the Commissioners.

Who shall have the same Powers and be under the same Penalties as other Commissioners.

**PAUL JENTS**, Speaker.

*In the Council-Chamber,  
Charles-Town, South-Carolina,  
April the 13th, 1733.*

Assented to, **ROB<sup>T</sup>. JOHNSON.**

AN



Numb. 555.

## AN ACT

*To ascertain the Fees of the Surveyor General**for the Time being, and his Deputies; and to prevent any Irregularities being committed in the Office of the said Surveyor General, or by any of his Deputies.*

Preamble.

WHEREAS in and by an Act of the General Assembly of this Province, Ratified the *Twenty first* Day of September, in the Year of our Lord One Thousand Seven Hundred and Twenty One, entituled, (a) *An Act for ascertaining publick Officer's Fees*, it is among other Things *Enacted*, That the Surveyor General shall have for Running out any Quantity of Land, the Sum of *One Penny Proclamation Money per Acre*, to be paid in the Current Bills of this Province, at *Three Hundred per Cent.* advance; And whereas the several Fees appointed and allowed to the Surveyor of this Province, by the said Act, were so appointed to him in full of all Claims or Demands relating thereto, as well by himself and his Deputies, or any other acting by or under his Appointment or Authority; notwithstanding which, the Practice of *James St. John Esq;* Surveyor General, and his Deputies in that Office, has lately been to take the Sum of *Four Pence per Acre*, current Money of this Province, for running out every Tract of Land, and also the Deputy Surveyors *Two Pence per Acre*, or *Three Pounds per Diem*, current Money of this Province, and some more as they could exact from the Parties that employed 'em, for running the same Tract of Land, whereby the Force, Effect and true Intent and Meaning of the said Act, hath been eluded, which is a great Grievance and Imposition on his Majesty's Subjects; for the Prevention whereof for the future, and also for the Prevention of any other Irregularities being committed in the said Surveyor General's Office, May it please your most sacred Majesty, that it may be enacted, and **Be it Enacted** by his Excellency *Robert Johnson Esq;* Governour, by and with the Advice and Content of his Majesty's honourable Council, and the Assembly of this Province, and by the Authority of the same, That the Surveyor General for the Time being, shall not directly or indirectly have, receive, take or demand any Sum of Money, Fee or Reward for any Business, Matter or Thing done by him or his Deputies, relating to his Office, other than such and so much Fees as are in the Table of Fees hereunto annexed, particularly set down, limited and appointed, upon pain that the Surveyor General for the Time being, shall forfeit *Twelve Pence* current Money, for every Penny current Money that he shall take and receive over and above what is mentioned in the said Table of Fees, for any Business, Matter or Thing done by him or his Deputies, relating to the said Office, one

Moiety

(a) T. A.  
No 2, 928

Enacted,

That the Surveyor General nor his Deputies shall take no other Fees than is mentioned in this Act.



*The Fees of the Surveyor General.*

Numb. 555.

Moiety of the said Forfeiture to his Majesty for the Support of the Government, to be paid to the Publick Treasurer for the Time being, and the other Moiety to the Party grieved, or to him or them that will sue for the same, with full Costs of Suit; all which Forfeitures that shall be under *Twenty Pounds* current Money, shall be recovered upon Information, on the Oath of one or more Witness or Witnesses, before any one or more of his Majesty's Justice or Justices of the Peace, who are hereby authorized and required to issue out his or their Warrant or Warrants to bring before him or them such Offender or Offenders, and in case he or they shall refuse to pay such Penalty or Forfeiture as aforesaid, to grant his or their Warrant or Warrants to levy the same, with the Charges of such Warrant or Warrants, by Distress and Sale of the Offender's Goods, and in case no Distress can be found, to commit the Offender or Offenders to the common Goal of this Province in *Charles-Town*, there to remain until he or they shall pay the same; and all Forfeitures that shall be above *Twenty Pounds* current Money, shall be recovered with full Costs of Suit, by Action of Debt, Bill, Complaint or Information in any of the Courts of Record within this Province, wherein no Wager of Law, Effoign, Priviledge or Protection shall be allowed.

II. And be it further Enacted by the Authority aforesaid, That the Surveyor General for the Time being, shall not directly or indirectly, receive any Sum or Sums of Money for any other Articles or Charges that he may contrive or invent, for any Business, Matter or Thing which he or his Deputies, or any other person or persons acting by or under him or them, may do and perform in his said Office, save what are mentioned in the Table of Fees hereunto annexed, upon pain of the Forfeiture of *Twelve Pence* current Money, for every penny current Money that he shall so receive for any Article or Charge not mentioned in the Table of Fees hereunto annexed, to be recovered by the same Persons, and in the same Manner as is herein before mentioned, wherein no Wager of Law, Effoign, Priviledge or Protection shall be allowed, nor any more than one Imparlance.

III. AND whereas for *Sixty Years* past, it has been usual to pay the Deputy Surveyor who surveys the Land, one Moiety for his Trouble and Pains in Surveying, Be it therefore further Enacted by the Authority aforesaid, That the said Surveyor General shall pay and satisfy his said Deputies for their Trouble and Expences out of the aforesaid Fee of *Four Pence*, that is to say, the Sum of *Two Pence* current Money per Acre, for running out Lands in this Province, and the Deputies of the said Surveyor General shall and may, and they are hereby authorized and impowered from Time to Time, to receive to their respective Uses out of the said *Four Pence* per Acre, the said Sum of *Two Pence* current Money per Acre, for any Lands they shall run out for any person or persons whatsoever, and no more, and a Receipt for the said Sum of *Two Pence* per Acre, given under the Hand of any of the said Deputies, shall be a

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good

The Surveyor General shall not take any Fee for Articles not mentioned in the Table of Fees hereunto annexed.

The Surveyor General shall pay his Deputies 2 d. per Acre, out of the Fee of 4 d. per Acre.



Numb. 555.

*The Fees of the Surveyor General*

good Discharge in Law to the person or persons to whom the same shall be given, against the said Surveyor General, his Heirs, Executors and Administrators, and shall and may be given in Evidence on the General Issue, in any Action or Suit in any Court in this Province, any Law, Custom or Usage to the Contrary thereof in any wise notwithstanding.

Proceedings of any person having a Warrant from the Governour to run out Land.

IV. And be it Enacted by the Authority aforesaid, That any Person having a Warrant from his Excellency the Governour or the Commander in Chief for the Time being, to run out Land, shall carry the same to the Office of the Surveyor General for the Time being, who is hereby required immediately to give such Person an attested Copy thereof, with a General Precept thereon endorsed, on such persons paying the said Surveyor General the Sum of *Ten Shillings* current Money, which Copy shall be in all respects of equal force with the Original; and upon any person's delivering such attested Copy and Precept thereon, to any Deputy Surveyor, the said Deputy shall immediately number and endorse such Warrant, with the Time when he received the same, and shall be obliged upon Notice to survey the same, within any part of this Province, to the Person first applying and giving such Notice, and indorse the Quantity so surveyed, returning the Copy so indorsed to the Owner, and a Plat unto the Owner of the Warrant and Precept, on his or their paying to the Deputy-Surveyor his lawful Fees for the same, on Pain of the Forfeiture of *Fifty Pounds* current Money to the Party grieved, to be recovered with full Costs of Suit, in any of the Courts of Record in this Province, by Action of Debt, Bill, Plaint or Information, wherein no Wager of Law, Essoign, Priviledge or Protection shall be allowed, nor any more than one Imparlance; and that the Plat or Plats so received, shall by the Party Owner of the said Warrant, be returned into the Surveyor General's Office within *Thirty Days* after he shall receive it from the Deputy Surveyor, on Penalty of the Land being deemed and actually becoming vacant; and that the Surveyor General shall certify and deliver the Plat or Plats within *Twenty Days* after their being so received into his Office (provided the Fees are duly paid or satisfied) on the Penalty of forfeiting the Sum of *Two Hundred Pounds* current Money, to be recovered as aforementioned.

The Surveyors to set down the Course and Distance in all Plats.

V. And be it further Enacted by the Authority aforesaid, That the said Surveyor General or his Deputies shall set down the Course and Distance of the Lines in all Plats, and also in case of driving any Stakes the same shall be mentioned, and the Course and Distance from any and what Tree, that they may be so Recorded; and that the said Surveyor General shall not return any Plat but what shall be made in such Manner, upon pain of the Forfeiture for every such Offence, the Sum of *Fifty Pounds* current Money, to him or them that will sue for the same, to be recovered with full Costs of Suit, by Action of Debt, Bill, Plaint or Information, in any of the Courts of Record in this Province, wherein no Wager of Law, Essoign, Priviledge or Protection shall be allowed, or any more than one Imparlance.

VI.



*The Fees of the Surveyor General.*

Numb. 555.

VI. And be it further Enacted by the Authority aforesaid, That the said Surveyor General, within *one* Month after the Ratification of this Act, and every Surveyor General hereafter to be appointed for this Province, before he or they take upon him or them the Execution of his or their Office, shall record in the Secretary's Office of this Province, his Commission for the said Office, together with his Instructions on pain of the Forfeiture of *Five Hundred Pounds* current Money, one Half to his Majesty, and the other Half to him or them that will sue for the same, to be recovered with full Costs of Suit, in any Court of Record in this Province, by Action of Debt, Bill, Plaint or Information, wherein no Wager of Law, Effoign, Priviledge or Protection shall be allowed, or any more than one Imparlance.

The Surveyor General to record his Commission and Instructions in the Secretary's Office.

VII. And be it further Enacted by the Authority aforesaid, That the said Surveyor General, within *one* Month after the Ratification of this Act, and the Surveyor General for the Time being, before he enter upon the Execution of his said Office, shall take the following Oath, viz.

The Surveyor General shall take the following Oath.

*I A. B. do swear, that I will, according to the best of my Skill and Knowledge, faithfully execute my Office of Surveyor General, according to the Directions of an Act, entituled, An Act to ascertain the Fees of the Surveyor General for the Time being, and his Deputies, and to prevent any Irregularities being committed in the Office of the Surveyor General, or by any of his Deputies, and that I will not postpone executing any Warrant, or give any undue Preference unto any Person or Persons for Favour or Affection, or on any other Account whatsoever: So help me God.*

And all the Deputy Surveyors appointed or to be appointed by the said Surveyor General, shall take the same Oath *mutatis mutandis*, which Oath shall be taken before the Governour or Commander in Chief for the Time being, or before one or more of his Majesty's Justices of the Peace, to be commissioned by the Governour or Commander in Chief for the Time being, for that Purpose, upon pain that every person so neglecting or refusing to take such Oath, shall forfeit the Sum of *Five Hundred Pounds* current Money, One Moiety of the said Forfeitures to his Majesty for the Support of the Government, and the other Half to him or them that will sue for the same, to be recovered with full Costs of Suit, in any Court of Record in this Province, by Action of Debt, Bill, Plaint or Information, wherein no Wager of Law, Effoign, Priviledge or Protection shall be allowed nor any more than one Imparlance.

The Deputy Surveyors shall take the same Oath.

VIII. And be it further Enacted by the Authority aforesaid, That the Surveyor General or his Deputy shall certify every respective Plat on the Days the respective Surveys were finished, and that the Surveyor General's Return shall bear the same Date with the Certificate of the Surveyor that runs out the Land.

The Plats to be certified on the Days the Surveys were finished.

IX.



Numb. 555.

*The Fees of the Surveyor General.*

Deputy Surveyors  
may execute any  
certified Copy of a  
Warrant.

Deputy Surveyors  
shall Record their  
Instructions, &c.

Deputy Surveyors  
not to take more  
Fees than in this Act  
is mentioned.

IX. And be it further Enacted by the Authority aforesaid, That any of the Deputy Surveyors within this Province, are hereby empowered to execute any Copy of a Warrant and Precept thereon certified, from his Excellency the Governour, by the Surveyor General for the Time being, in any part of this Province.

X. And be it further Enacted by the Authority aforesaid, That all and every the Deputy Surveyors, within *one* Month after the taking of the said Oath of Office, shall Record in the Secretary's Office of this Province, the Instructions which they have received from the Surveyor General, which Instructions shall not at any Time be altered by the said Surveyor General, without the Approbation and Consent of his Excellency the Governour for the Time being, and his Majesty's honourable Council, upon pain that every Deputy Surveyor, for every Offence, shall forfeit the Sum of *One Hundred Pounds* current Money, to him or them that will sue for the same, to be recovered with full Costs of Suit, in any Court or Record, in this Province, by Action of Debt, Bill, Plaint or Information, wherein no Wager of Law, Priviledge or Protection shall be allowed, or any more than one Imparlance.

XI. And be it further Enacted by the Authority aforesaid, That if any of the Deputy Surveyors shall directly or indirectly, receive or take any Sum or Sums of Money for running out any Land in this Province, or for any other Business in the Execution of their Office, more than is hereby limited and appointed, shall forfeit the Sum of *Twelve Pence* current Money, for every *penny* current Money that he shall so receive and take, to be recovered by such persons, and in such Manner as the first Forfeiture mentioned in this Act.

*The Table of the Surveyor General's Fees mentioned in the above Act.*

To Running any Quantity of Land, *per Acre*, *Four pence* current Money, for him and his Deputy.

For a Plat, Record of that Plat, and Certificate and Copy of that Plat delivered to the Party, *Two Pounds Ten Shillings* current Money.

To an attested Copy of a Plat taken out of the Surveyor General's Books, *Thirty Shillings* current Money.

For Running out of Lines between party and party at their Request, and not otherwise, *Three Pounds per Diem*.

For a Copy of a Warrant, and a Precept indorsed thereon, *Ten Shillings* current Money.

To the Deputy for every Day he shall ride to the Place of Survey and back, if above *Twenty Miles*, *Fifty Shillings* current Money.

PAUL JENTS, Speaker.

In the Council-Chamber,  
Charles-Town, South-Carolina,  
April the 13th, 1733.

Assented to, ROBT. JOHNSON.



## AN ACT

Numb. 556.

*To supply the Defects in the Execution of an*

(a) No. 546

*Act, entitled, (a) An Act for Calling in, Reprinting and Exchanging the Paper Bills of Credit.*

(b) No. 546

**W**HEREAS in and by an Act of the General Assembly of this Province, entitled, (b) *An Act for Calling in, Reprinting and Exchanging the Paper Bills of Credit*, among other

Preamble.

(c) § 2.

Things it is *Enacted*, (c) That the Commissioners therein mentioned shall have Power, and they are thereby authorized to reprint the Sum of *One Hundred and six Thousand Five Hundred Pounds* in Bills of Credit, and with such Devices and Stamps as they the said Commissioners shall be appointed and directed by his Excellency the Governour, by and with the Advice of his Majesty's honourable Council, and they the said Commissioners are thereby directed to prepare and lay a Scheme accordingly before them for their Approbation, the lowest Bill to be *Five Shillings*, and the highest to be *Twenty Pounds*; to be used and disposed of in Manner as is therein after directed; And whereas it was thought necessary by the Commissioners in the said Act (d) mentioned, for the Conveniency of Change, to make some of the Bills by them stamped of a lower Denomination than *Five Shillings* Bills, that is to say, *Four Shillings and Six penny* Bills, by reason whereof some Doubts may arise, whether the said *Four and Six penny* Bills are legal and current Money within this Province; For the Prevention therefore of such Doubts, We pray your most sacred Majesty, that it may be *Enacted*, and **Be it Enacted** by his Excellency *Robert Johnson* Esq; Governor, Captain General and Commander in Chief, in and over his Majesty's Province of *South-Carolina*, by and with the Advice and Consent of his Majesty's honourable Council, and the Assembly of this Province, and by the Authority of the same, That the *Four and six penny* Bills so stamped and issued, or that shall be stamped and issued by the said Commissioners, shall be held, deemed and taken, to all Intents and Purposes, lawful and current Money of this Province, as fully as any other Denomination of the Bills stamped and issued, or that shall be stamped and issued by the said Commissioners, or other Persons authorized by the said Act, are or shall be, any Thing in the said Act to the contrary notwithstanding.

Enacted,

That the 4 s 6 d  
Bills shall be deem-  
ed current & lawful  
Money of this Pro-  
vince.

(e) See No. 546, § 1.

II. AND whereas in and by one other (e) Clause in the said Act of the General Assembly, it was also *Enacted*, That after the *first Day of June*, One Thousand Seven Hundred and Thirty Two, none of the Bills now outstanding should be a lawful Tender, or of Value to any Person whatsoever, **Be it further Enacted**, That the said Bills are hereby declared to be a lawful and good Tender in Law,

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until



Numb. 556.

The old Bills to be  
current till the 25th  
March 1734.

*Building the Parochial Church of St. George's.*

until the *Twenty fifth* Day of *March* next ensuing and no longer,  
any Thing in the said Act to the Contrary in any wise notwith-  
standing.

PAUL JENTS, Speaker.

*In the Council-Chamber,  
Charles-Town, South-Carolina,*

Assented to, ROB<sup>t</sup>. JOHNSON, Governour.

557.

*An Act for the Prevention of Suits and Disturbance to his  
Majesty's Judges and Magistrates in this Province, on Account of  
the Habeas Corpus Act.*

Passed.

Repealed by Order of the KING's most Excellent Majesty  
in Council.

558.

AN ACT  
*For Building the Parochial Church of Saint  
George's Parish in Dorchester*

Preamble.

Enacted.

That it shall be  
lawful for the Rec-  
tor and Vestry of St.  
George's Parish to  
erect and build a  
new Church in the  
said Parish.

WHEREAS the Parish Church of St. George's in *Dorchester*,  
is in a very decay'd and ruinous Condition, and the same  
being also too small for the present Number of Inhabitants of the said  
Parish, and others resorting there, We therefore humbly pray your  
most sacred Majesty, that it may be enacted, and **Be it Enacted**  
by his Excellency *Robert Johnson Esq;* Governour, Captain General  
and Commander in Chief, &c. and with the Advice and Consent of  
his Majesty's honourable Council, and the Assembly of this Province,  
and by the Authority of the same, That it shall and may be lawful  
to and for the Rector or Minister of the said Parish for the Time  
being, together with the Church Wardens and Vestry for the Time  
also being, of the said Parish, or the major Part of them, to erect  
and build a new Church in the said Parish, on or near the same  
Ground where the present Church is now situate, and that in such a  
Manner as he and they shall think proper, which said Church new  
built and erected as aforesaid, shall for ever be reputed and taken to  
be the parochial Church of the said Parish of *Dorchester*.



*Building the Parochial Church of St. George's.*

Numb. 558.

II. AND the better to raise a Fund for the Erecting and Building the said Church as aforesaid, **It is hereby further Enacted** by the Authority aforesaid, That the Rector or Minister of the said Parish for the Time being, with the Church-Wardens and Vestry, shall from Time to Time, be enabled to appoint any *two* or more proper Persons of the said Parish, to receive and collect any Sum or Sums of Money, or other Donations for the Use and Purpose aforesaid, by the voluntary Subscription or Subscriptions of the parochial Inhabitants, or any other religious or well disposed Persons who are or shall at any Time be pleased to present Gifts or subscribe to the same, which said Sum or Sums of Money, Donations or Subscriptions which shall be given, subscribed or collected as aforesaid, shall be subject to such Application and Disposition for the Purposes aforesaid, in such Manner as the said Rector or Minister, with the Consent of the Church Wardens and Vestry, or the major part of them shall think most suitable and convenient.

The Rector with the Church-Wardens and Vestry to appoint *two* or more Persons to collect Money, &c.

III. And be it further Enacted by the Authority aforesaid, That the Rector or Minister of the said Parish, after the said Church is agreed to be new built as aforesaid, shall and may with the Consent of the major part of the Church-Wardens and Vestry for the Time being, have full Power, Right and Authority, to grant, give and dispose of the Pews and Seats, or the Ground Room for Pews and Seats, of and in the said Church, to such persons, and in such Order and Situation, as the said Rector or Minister and the major part of the said Church-Wardens and Vestry for the Time being, shall think proper, giving Preference in proportion to all Subscriptions, any Law, Usage, Right or Custom in any wise to the Contrary notwithstanding.

The Rector empowered to dispose of the Pews and Seats in the said Church.

IV. And it is hereby further Enacted by the Authority aforesaid, That it shall and may be lawful to and for any person or persons to give, grant or convey in Fee or otherwise, without any Licence of Mortmain, any Plat or Tract of Ground to the Church-Wardens of the said Parish, and their Successors for ever, for the better Support of the Reparation of the said Church, or as a Glebe or menial Land for the Use and Behoof of the Resident, Rector or Minister of the said Parish, and his Successor for ever.

Any person may give Land for the Support of the said Church, or a Glebe for the Rector,

PAUL JENTS, Speaker.

*In the Council-Chamber,  
Charles-Town, South-Carolina,*

Assented to, ROB<sup>T</sup>. JOHNSON.

AN



## Road in the Parish of Prince George Winyaw.

Numb. 559.

*An Act for Raising the Sum of Forty Thousand One Hundred and Sixty Pounds Twelve Shillings and Six Pence, and for appropriating the Sum of Four Thousand One Hundred and Ninety Pounds Ten Shillings and Ten Pence, now in the Treasury unapplied, for Defraying the Charges of the Government for one Year, commencing the Twenty-fifth Day of March, One Thousand Seven Hundred and Thirty two, and ending the Twenty-fifth Day of March, One Thousand Seven Hundred and Thirty Three.*

Passed June 7, 1733.

Expired.

560.

## AN ACT

*For laying out a Publick Road from Peter Lieubrey's Ferry (opposite to Jonathan Skrine's Landing) to Mr. Robert Scriven's Plantation, (opposite to George-Town) in the Parish of Prince George Winyaw.*

Preamble.

Enacted,

That a Road be laid out from Lieubrey's Ferry to Robert Scriven's Plantation.

The Names of the Commissioners.

**W**HEREAS many of the Inhabitants and Travellers in the above said Parish of Prince George Winyaw, do often meet with great Inconveniencies for want of a Road established by Law from Lieubrey's Ferry aforesaid to the said Plantation of Robert Scriven's, We therefore pray your most sacred Majesty, that it may be enacted, and **Be it Enacted** by his Excellency Robert Johnson Esq; Captain General Governour and Commander in Chief in and over this his Majesty's Province of South-Carolina, by and with the Advice and Consent of his Majesty's honourable Council, and the Commons House of Assembly of the said Province, and by the Authority of the same, That there be a Road or Path laid out from Lieubrey's aforesaid to the said Plantation of Robert Scriven, and that all the Inhabitants and Owners of Slaves that live or have any Slaves settled on the North side of Santee, and the South side of Sampit, from the Plantation of Madam Courage downward to that of Robert Scriven, be obliged and are hereby directed to assist in laying out, making and keeping in repair the said Road or Path, according to the Directions of the Commissioners herein after named, and that all such persons be exempted from working on any other Road or Path without their Precinct.

**II. And be it further Enacted** by the Authority aforesaid, That Elias Horry sen. Robert Stewart, Abraham Mesbrow, James Robert and John Sommers, be and are hereby appointed Commissioners to lay out and give Directions for making and repairing the said Road, and that the said Commissioners, or any three of them, have the



*Free-School at Childsbury.*

the same Powers and Authorities, and be under the same Restrictions and Limitations in laying out, making and repairing the said Road or Path, as any other Commissioners of the High-Roads and publick Paths in any other Parts of this Province are invested with or subject to, any Law, Usage or Custom to the Contrary in any wise notwithstanding.

PAUL JENTS, Speaker.

In the Council-Chamber,  
the 7th June, 1733.

Assented to, ROBT. JOHNSON.

Numb. 560.

Who shall have  
the same Powers, &  
be under the same  
Restrictions as other  
Commissioners.

## AN ACT For Erecting a Free-School at Childsbury.

561.

WHEREAS nothing conduces more to the private Advantage of every Man or the publick Benefit of a Country in general, than a liberal Education, and the same cannot be had without due Encouragement to persons qualified to instruct Youth; and Mr. *James Child*, late of this Province deceased, desiring as far as lay in his Power to promote the same, did in and by his last Will and Testament, give and bequeath the Sum of *Five Hundred Pounds* current Money of *Carolina*, towards the Encouragement of a Grammar School and other Learning at *Childsbury* in *St. John's* Parish, in *Berkley* County, and also did further give, devise and bequeath the Sum of *One Hundred Pounds* like Money, and a Lot to build a convenient House for the said School, and left the same to certain Trustees in his said Will named, to manage the same according to the Directions of his Will, and the said Sums being far too short for the said Purposes, several Gentlemen well weighing the great Want of necessary Learning in this Province, and being desirous to encourage so good an Undertaking (according to their several Abilities) have by voluntary Subscriptions raised the Sum of *Two Thousand Two Hundred Pounds* like current Money, to be added to the Legacy of the said *James Child*, and have also chosen Trustees to be joined with those named in the said Mr. *James Child's* Will to manage the said Sums for the Use of the said School, and as Visitors to order, direct and govern the said School, We therefore humbly pray your most sacred Majesty, that it may be enacted, and **Be it Enacted** by his Excellency *Robert Johnson* Esq; Governour, by and with the Advice and Consent of his Majesty's honourable Council, and the Commons House of Assembly of this Province, and by the Authority of the same, That

Preamble.

Enacted.



Numb. 561.

*Free-School at Childsbury.*

That the several Sums bequeathed by *James Child* for a School, and the Sums raised by Subscriptions for the same Use, be declared one undividual Fund.

the said several Sums given and bequeathed in and by the last Will and Testament of the said *James Child*, for the Use of the said School, and the several Sums raised by Subscription for the same Use, be for the future united and declared to be one individual Fund for the Purpose aforesaid, and that the same shall not be applied or diverted to any other Use or Uses whatsoever.

The Names of the Trustees for the said School.

II. And be it further Enacted by the Authority aforesaid, That the Honourable *Thomas Broughton* Esq; Lieutenant Governor, the Reverend Mr. *Thomas Hassel*, *Anthony Bonneau*, *John Harleston*, *Nathaniel Broughton*, *Thomas Cordes* and *Francis Lejau*, Esqrs. shall be Trustees for the said School, and that they shall have full Power and Authority to manage the several Legacies and Subscriptions already given and made, and which shall from Time to Time hereafter be made, devised or given for the Use of the said School, according to their Discretion.

The said Trustees impowered to elect Masters or Ushers in the said School as they shall think proper.

III. And be it further Enacted by the Authority aforesaid, That they or the Majority of them, shall have full Power and Authority to elect a Master or Masters, Usher or Ushers, and appropriate such a Sum or Sums for a Salary or Salaries out of the Income of the said Fund, as they shall think proper, and also the said Master or Masters, Usher or Ushers to turn out, and others to elect, and to make such Rules for the better ordering and governing the said School, as they or the Majority of them, shall in their Discretion think necessary.

The Trustees impowered to receive all Gifts or Legacies as shall be given for the Use of said School.

IV. And be it Enacted by the Authority aforesaid, That the Trustees are hereby impowered to receive from Time to Time, such Sum or Sums of Money, Houses, Lands, Tenements, or any other Gifts or Legacies, as any well-disposed Persons shall think fit to give or bequeath unto them, for the Use of the said School, and to build such House or Houses as they shall think necessary and convenient.

No Person shall be a Trustee except he hath subscribed 100 l. or have a Vote except he hath subscribed 50 l.

V. And be it further Enacted by the Authority aforesaid, That no person shall be a Trustee except he hath subscribed *One Hundred Pounds*, and no person shall have a Vote in electing Trustees except he hath subscribed *Fifty Pounds* for the Use of the said School, and that after the Death of any of the Subscribers, their Heirs or Assigns by them appointed, shall have the same Priviledges as the Subscribers themselves had, or of right ought to have.

On the Death or resignation of any Trustee a new one to be elected.

VI. And be it further Enacted by the Authority aforesaid, That upon the Death or Resignation of any of the Trustees, the Survivors of them shall give notice to the Subscribers or to the Heirs or Assigns of such of the Subscribers as shall be dead, within *three Months* to meet at *Childsbury* at a certain Day, to elect another Trustee in the Place of the Person deceased.

VII.



*Free-School at Childsbury.*

Numb. 561.

VII. And be it further Enacted by the Authority aforesaid That the Trustees or the Majority of them, be obliged to meet at *Childsbury* once in *Three Months* at least, to consider of all things for the Benefit of the said School, and that if any of them omit meeting for the Space of *One* whole Year, without a reasonable excuse to be approved of by the rest of the Trustees or the Majority of them, That then it shall be lawful for them to declare his Place to be vacant, and in such Case they shall give notice to the Subscribers to meet and elect another Trustee in his room as in Case of Death or resignation, and if the Trustees shall neglect or refuse to Summon the Subscribers to meet within the Time aforesaid, to elect a Trustee or Trustees, that then the Subscribers may meet and elect a Trustee or Trustees of their own accord, and the said Person or Persons so elected shall be deemed to be a Trustee or Trustees and have the same Power and Authority to act jointly with the others as those named in this Act.

The Trustees obliged to meet at *Childsbury* once in 3 Months, to consider of Things for the Benefit of the said School.

VIII. AND whereas *Francis Williams* late of *Berkley County* deceased, did in and by his last Will and Testament empower his Executors to dispose of such Sums as were remaining of his Estate to such charitable Uses as they thought fit, his said Executors has given the Sum of *Two Hundred Pounds* to the said School, Be it Enacted by the Authority aforesaid, That the Interest of the said Sum be appropriated to the teaching so many poor Scholars as the Trustees shall think proper.

The Interest of 200 l given by the Executors of *Francis Williams* deceased, to be appropriated to the teaching poor Children.

IX. And be it further Enacted by the Authority aforesaid, That if any charitable Person or Persons, shall hereafter subscribe any Sum or Sums of Money to the said School, or give the same by Will, he or they so subscribing or giving (or their Assigns by them appointed) shall have the same Privilege as those who have already subscribed, Subject nevertheless to the Exceptions in this Act mentioned.

Persons subscribing any sum hereafter to have the same Privileges as former Subscribers.

X. And be it further Enacted by the Authority aforesaid, That the Trustees above-mentioned, and their Successors are hereby empowered to lend the said Money's out on Interest, and to take Bonds or Notes or any other instruments of writing, and to purchase Lands, and let them out by the Year or lease them for a Term of Years, and the said Bonds, Notes or other instruments of writing shall be in the Name of themselves and their Successors for the Use of the said School and they are hereby empowered to demand and sue for any Rents, Legacies, Notes, Bonds or any other Moneys, that are or shall hereafter become due unto them, and to take possession of any Houses, Lands or Tenements which shall be given or bequeathed to them for the Use of the said School.

The Trustees empowered to lend the Money on Interest.

PAUL JENYS, Speaker.

In the Council Chamber,  
the 9th June, 1733.

Assented to, ROBT. JOHNSON.

AN



Numb. 562.

Preamble.

Enacted,

That if any Action shall be prosecuted against any of the Justices of the Peace, Constables, &c. for any Thing done in their Office, they may plead the General Issue, give the special Matter in Evidence, and recover double Costs.

## AN ACT

*For Ease in pleading in troublesome and contentious Suits prosecuted against Justices of the Peace, Constables and certain other his Majesty's Officers, for the lawful Execution of their Office.*

**F**OR Ease in Pleading against any contentious Suits which have been, and daily are, and may be commenced and prosecuted against Justices of the Peace, Bailiffs, Constables, Serjeants in the Militia, and other Officers, who for due Execution of their Offices have been troubled and molested, and still are likely to be troubled and molested by evil disposed contentious Persons, to their great Charge and Discouragement in doing of their Offices, **Be it therefore Enacted** by his Excellency *Robert Johnson* Esq; Governour, Captain General and Commander in Chief in and over his Majesty's Province, by and with the Advice and Consent of his Majesty's honourable Council, and the Commons House of Assembly of this Province, and by the Authority of the same, That if any Action, Suit, Bill, Complaint or Information, now is, or shall at any Time or Times hereafter, be brought, sued, commenced or prosecuted against any of the Justices of the Peace, Bailiffs, Constables, Serjeants, or other Officers civil or military, in this Province, for or concerning any Matter, Cause or Thing by them or any of them, done or to be done by virtue or reason, or in pursuance of their, or any of their Office or Offices, that it shall and may be lawful to and for every such Justice and Justices of the Peace, Bailiffs, Constables, Serjeants and other Officer and Officers, and all others which in their Aid or Assistance, or by their Commandment, shall do any Thing touching or concerning his or their Office or Offices, to plead the General Issue, that he or they are not Guilty, or that he or they owe nothing, and to give such special Matter in Evidence to the Jury which shall try the same, which special Matter being pleaded, had been a good and sufficient Matter in Law, to have discharged the said Defendant or Defendants of the Trespass, or other Matter laid to his or their Charge, any Law, Statute or Usage to the contrary notwithstanding; and if the Verdict shall pass for the said Defendant or Defendants in any such Action or Suit, or the Plaintiff or Plaintiffs, therein become Non-suit or suffer any Discontinuance thereof, that in every such Case the Justice or Justices, or such other Judge or Judges before whom such Matter shall be tried, or such Action or Suit shall be brought, shall and they are hereby required by Force and Virtue of this Act, to tax and allow to such Defendant and Defendants, his or their double Costs, which he or they shall have sustained or be put unto by reason of their wrongful Vexation, in Defence of such Action or Suit, for which the said Defendant and Defendants shall have the like Remedy as in other Cases where Costs by Law are given to the Defendant or Defendants.

*PAUL JENTS*, Speaker.

*In the Council-Chamber,  
the 15th of September, 1733.*

*Assented to,*

*ROB<sup>T</sup>. JOHNSON.*

AN



## AN ACT

*To impower his Excellency the Governour to*

Numb. 563.

\* No 546.

*nominate a Commissioner in the Room of the Honourable Francis Yonge Esq; for executing the Powers granted to him with other Commissioners appointed in and by an Act of the General Assembly, entituled, \* An Act for Calling in, Reprinting and Exchanging the Paper Bills of Credit, and for making good and current those Bills reprinted by virtue of the said Act which are signed by John Hammerton Esq; in the Room of the said Francis Yonge Esq;*

(a) No. 546

Preamble.

(b) ¶ 1.

WHEREAS in and by an Act of the General Assembly of this Province, entituled, (a) *An Act for Calling in, Reprinting and Exchanging the Paper Bills of Credit*, Ratified the Twentieth Day of August, in the Year of our Lord One Thousand Seven Hundred and Thirty One, among other Things it was Enacted, (b) That the Honourable *Francis Yonge Esq;* Mr. *Roger Saunders* and Mr. *Othniel Beale*, be and they are thereby appointed Commissioners to put in Execution the several Powers and Authorities therein after mentioned: And whereas before the several Powers and Authorities therein mentioned were executed and performed, the said *Francis Yonge Esq;* was obliged to go off this Province on the Affairs thereof, and thereupon his Excellency the Governour, did commission and appoint *John Hammerton Esq;* to be a Commissioner for Calling in, Reprinting and Exchanging the said Paper Bills of Credit, in the Room of the said *Francis Yonge Esq;* in pursuance of which Commission the said *John Hammerton Esq;* did sign several of the new Bills printed by virtue of the said Act, but before they were all signed or exchanged, the said *John Hammerton Esq;* went off this Province for the Recovery of his Health: And whereas divers Disputes may hereafter arise concerning the said Bills so signed by the said *John Hammerton Esq;* as also concerning those to be signed by any other Commissioner to be appointed by his Excellency the Governour in the Room of the said *Francis Yonge Esq;* or in the room of any other of the Commissioners named in the said Act; For the Prevention therefore of all Doubts and Disputes that may arise concerning the said Bills so signed by the said *John Hammerton Esq;* or those to be signed by such other Commissioner or Commissioners as shall be appointed by his Excellency the Governour for that Purpose, We humbly pray your most sacred Majesty, that it may be Enacted, and **Be it Enacted** by his Excellency *Robert Johnson Esq;* Governor, Captain General and Commander in Chief in and over his Majesty's Province of *South-Carolina*, by and with the Advice and Consent of his Majesty's honourable Council, and the Commons House of Assembly of this Province, and by the Authority

Enacted,

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of



Numb. 563.

That it shall be lawful for the Governour to appoint a Commissioner in the room of *Francis Yonge* Esq;

The Bills signed by such Commissioner, and those signed by *John Hammerton* Esq; declared good and lawful Money.

If any of the Commissioners shall die or depart this Province, before all the said Bills are exchanged, the Governour to appoint others.

*The Governour to nominate a Commissioner for Exchanging the Bills.*

of the same, That it shall and may be lawful to and for his Excellency *Robert Johnson* Esq; Governour, &c. to appoint and commission one or more Commissioner or Commissioners in the room of the said *Francis Yonge* Esq; which said Commissioner or Commissioners shall have the same Powers and Authorities in the Calling in, Reprinting, Signing and Exchanging the said Bills of Credit, reprinted by virtue of the said Act herein before mentioned, as the said *Francis Yonge* would have had, had he remained in this Province, or as if the said Commissioner or Commissioners had been originally named and appointed in and by the said Act of the General Assembly for the Calling in, Reprinting and Exchanging the Paper Bills of Credit.

II. And be it further Enacted by the Authority aforesaid, That the said Bills so to be signed and exchanged by the said Commissioner or Commissioners to be appointed in pursuance of the Direction of this Act, and the said Bills signed by the said *John Hammerton*, with the said *Othniel Beale* and *Roger Saunders*, shall be and they are hereby declared to be good, current and lawful Money of this Province of *South-Carolina*, and as such shall be deemed and taken by all person and persons whatsoever within this Province, in such and the same Manner as if the said Bills had been signed, reprinted and exchanged by the said *Francis Yonge*, together with the said *Othniel Beale* and *Roger Saunders*, within the (c) Time limited by the said Act, herein before in part recited, for the doing the same, or as if the same had otherways been reprinted, signed and exchanged by the said *Francis Yonge*, *Othniel Beale* and *Roger Saunders*, in pursuance of the Direction of another Act of the General Assembly, entituled, (d) *An Act to supply the Defects in the Execution of an Act, entituled, An Act for Calling in, Reprinting and Exchanging the Paper Bills of Credit*, any Thing in the said Acts, or either of them, to the contrary notwithstanding.

III. And be it further Enacted by the Authority aforesaid, That if it shall so happen, that the said *Othniel Beale*, *Roger Saunders*, or the Commissioner or Commissioners to be appointed in pursuance of the Direction of this Act, shall happen to die, depart this Province or refuse to act, before all the said Bills of Credit are reprinted, signed and exchanged, that then and in such Cases it shall and may be lawful to and for his Excellency the Governour to nominate and appoint other Commissioner or Commissioners in the room and place of him and them so dying, departing this Province, or refusing to act, which said Commissioner and Commissioners so to be appointed shall have the same Powers and Authorities in Reprinting, Signing, Calling in and Exchanging the said Paper Bills of Credit, as if he or they had been originally named and appointed in and by the said Act herein before first mentioned.

PAUL JENTS, Speaker.

In the Council Chamber,  
the 22d September, 1733.

Assented to, ROBT. JOHNSON.

AN

(c) No. 546  
7.

(d) No. 556



## AN ACT

*To impower his Excellency Robert Johnson*

*Esq; Governour, to appoint Commissioners and Surveyors for Running the Bounds of the several Counties in this Province.*

Numb. 564.

**W**HEREAS several Disputes have happened between the Inhabitants of the several Counties in this Province, concerning their Bounds and Limits, so that the High-Roads lying near the Bounds of the said Counties have lain neglected, to the great Detriment of Travellers and those that have had Occasion to make Use of the Roads, and many persons have screened themselves from paying Taxes and working on the High-ways, by reason of the Uncertainty of the said Bounds, to the great Prejudice of the Province, We therefore most humbly pray your most sacred Majesty, that it may be enacted, and **Be it Enacted** by his Excellency *Robert Johnson* Esq; Governour, Captain General and Commander in Chief in and over this his Majesty's Province of *South-Carolina*, by and with the Advice and Consent of his Majesty's honourable Council, and the Commons House of Assembly of this Province, and by the Authority of the same, That his Excellency *Robert Johnson* Esq; Governour, and the Governour for the Time being, is hereby impowered and authorized to appoint such person or persons as he and they shall think proper, as Commissioners and Surveyors, to survey and lay out the Bounds and Limits between the said several Counties in this Province.

Preamble:

Enacted,

That the Governour may appoint Commissioners and Surveyors to lay out the Bounds of the several Counties,

**II. And be it further Enacted** by the Authority aforesaid, That the Commissioners or Surveyors that shall be appointed by his Excellency the Governour, or the Governour for the Time being, for running the Line between *Berkley* County and *Craven* County, shall begin at the Plantation of *Samuel Wigfall*, which Plantation shall be included in *Berkley* County, and is at the Head of *Sewee* River or *Oindaw* Creek, and from thence run back a Course North West Five and Forty Degrees, and mark a fair Line, until they come to *Santee* River, which Line shall be deemed and for ever hereafter accounted to be the Bounds between *Berkley* and *Craven* County, and from the End of the said Line, the River upward, shall be the Bounds between the said Counties; and that the several other County Lines shall be likewise run according to the ancient Course, whensoever Application shall be made to his Excellency the Governour, or to the Governour for the Time being, for the Running the same.

The Place where the Commissioners shall draw the Line between *Berkley* and *Craven* County.

The other County Lines shall be run according to the ancient Course.

**III. And be it further Enacted** by the Authority aforesaid, That the Commissioners or Surveyors that shall be appointed by his  
Ex-



*Dividing the Parishes of St. Paul's and Prince George.*

Numb. 564.

The Commissioners  
to give 15 Days public  
Notice before  
they run a County  
Line.

Excellency the Governour, or the Governour for the Time being, in pursuance of this Law, shall *Fifteen* Days before he or they begin to run the said County Lines respectively, put up publick Advertisements at the severall Parish Churches.

The Surveyor that  
runs County Lines  
allowed 5 l. per  
Diem.

IV. And be it further Enacted by the Authority aforesaid. That the Surveyor who shall be appointed by his Excellency the Governour, or the Governour for the Time being, to run the said County Lines, shall be allowed each of them the Sum of *Five Pounds per Diem*, current Money, in full of all Fees, Charges and Expences whatsoever, and that one Surveyor be appointed for each County Line, and no more.

PAUL JENTS, Speaker.

*In the Council-Chamber,  
the 22d of September, 1733.*

Assented to, ROBT. JOHNSON.

565.

*An ACT to revive and continue the severall Acts of the General Assembly of this Province herein mentioned.*

The T. A. Numb. 1, 2, 5, 3, 6, and 10, continued for *one* Year, and to the End of the first Sessions of the General Assembly after.

II. The Governour, Judges and other Officers to receive their Fees in current Money at the Exchange of *Five* for *One*.

Passed September 22, 1733.

Obsolete.

The same being provided for in the new Act for Fees,  
*Paragr. VI. Passed May 29. 1736*

566.

AN ACT  
*For Dividing the Parishes of St. Paul's in  
Colleton County, and Prince George Winyaw in Craven County.*

Preamble.

WHEREAS the Parishes of *St. Paul's* in *Colleton* County, and *Prince George Winyaw* in *Craven* County, are of a very large Extent, so that the Inhabitants thereof cannot attend the publick Worship according to the Custom of the Church of *England*, by reason of the great Distance many of the Inhabitants of the said Parishes



*Dividing the Parishes of St. Paul's and Prince George.*

Numb. 566.

(a) See No  
260, § 4.

Parishes live from the respective Parish Churches, We therefore humbly pray your most sacred Majesty, that it may be enacted, and **Be it Enacted** by his Excellency *Robert Johnson* Esq; Governour, by and with the Advice and Consent of his Majesty's honourable Council, and the Commons House of Assembly of this Province, and by the Authority of the same, That the (a) Parish of *St. Paul's* in *Colleton* County, shall be divided as hereafter is mentioned, *that is to say*, that *Johns Island*, *Wadmalarw Island*, and *Edisto Island*, and the other adjacent Islands to the Seaward, be and are hereby declared to be a Distinct Parish by it self, separate from the other part of *St. Paul's* Parish, and for ever hereafter shall be called and known by the Name of *St. John's* Parish in *Colleton* County.

Enacted,

That the Parish of *St. Paul's* in *Colleton* County be divided as within mentioned

**II. And be it further Enacted** by the Authority aforesaid, That the Parish of *Prince George Winyaw*, shall be divided as herein after is mentioned, *that is to say*, beginning at the Southwestmost part of the Plantation of *John Du Bose* on *Santee River*, from thence on a Line to the Head of *John Green's* Creek, and down the said Creek till you come to *Black River*, and from thence over *Black River* to the Plantation of *John Bogg*, and from the said Plantation of *John Bogg*, to be included in the Town Parish, in a due North Line till you come to *Pedee River*, and that part of the said Parish wherein the Parish Church now is, shall and is hereby declared to be a distinct Parish by it self, separate from the other part of the Parish of *Prince George Winyaw*, and for ever hereafter shall be called and known by the Name of *Prince Frederick*, and the other part of the Parish where *George Town* lies, shall be called, and for ever hereafter be known by the Name of *Prince George Winyaw*.

The Parish of *Prince George Winyaw* to be divided as within mentioned.

**III. And be it further Enacted** by the Authority aforesaid, That the Churches and Parsonage Houses for the said Parishes of *St. John* in *Colleton* County, and *Prince George Winyaw* in *Craven* County, respectively, shall be built in such place and places within the Bounds of the said Parishes respectively, as the major part of the Commissioners herein after named shall order, direct and appoint, by and with the Advice and Consent of the major part of the Inhabitants of the said Parishes respectively, that shall contribute to the Building of the same; and the said Parishes respectively, shall and may have and enjoy all the Privileges and immunities as any other Parish in this Province doth or can have, hold or enjoy, by any Law, Custom or Usage whatsoever.

The Churches and Parsonage Houses of said Parishes to be built in such Place as the Commissioners herein after named shall appoint.

**IV. And be it further Enacted** by the Authority aforesaid, That the Rectors or Ministers of the said Parishes of *St. John* in *Colleton* County, and *Prince George Winyaw* in *Craven* County, respectively, shall be elected and chosen in the same Manner as the other Rectors or Ministers of the several other Parishes in this Province are, and shall have yearly paid to them and their Successors respectively in the said Parishes for ever, the same Sums as are paid to the other Rectors and Ministers of the other Country Parishes in

The Rectors of said Parishes shall be chosen in the same Manner as the Rectors of the other Parishes in this Province and have the same Salary.



Numb. 566.

*Dividing the Parishes of St. Paul's and Prince George.*

this Province, and the publick Treasurer of this Province for the Time being, is hereby authorized, impowered and required to pay the same, under the same Penalties and Forfeitures as for not paying the Salaries due to the other Rectors or Ministers of the severall other Parishes in this Province; and the said Rectors or Ministers of the said Parishes of *St. John* in *Colleton* County, and *Prince George Winyaw* in *Craven* County respectively, shall have and enjoy all and every such Priviledges and Advantages, and also shall be under all such Rules, Laws and Restrictions as the other Rectors or Ministers of the other Parishes in the Province are, or have and enjoy.

How many Members of Assembly shall be chosen by the said Parishes.

V. AND to prevent any Disputes that may hereafter arise between the said Parishes of *St. Paul* and *St. Johns* in *Colleton* County, and the Parishes of *Prince George Winyaw* and *Prince Frederick* in *Craven* County, concerning the chusing and sending their Representatives to the General Assembly of this Province, **Be it Enacted** by the Authority aforesaid, That the said Parish of *St. Paul's* shall choose and send *three* Members, and the Parish of *St. John's* in *Colleton* County, *three* Members, and no more; and the said Parish of *Prince George Winyaw*, *two* Member, and the Parish of *Prince Frederick*, *two* Members, and no more, to represent them respectively in the General Assembly of this Province; and that the said Parishes respectively shall choose and elect their respective Members to serve in the General Assembly, in the same Manner as the other Parishes in this Province do, and as is required by an Act, entituled, *(b) An Act to ascertain the Manner and Form of electing Members to represent the Inhabitants of this Province in the Commons House of Assembly, and to appoint who shall be deemed and adjudged capable of chusing or being chosen Members of the said House*, and that Writs for electing the Members for each of the said Parishes above named, shall be issued in the same Manner and at the same Time as for the severall other Parishes of this Province.

(b) No 463

The Names of the Commissioners for the said Parishes.

Who are impowered to receive any Grant of Land, &c. for building Parish Churches or for a Glebe.

VI. And be it further Enacted by the Authority aforesaid, That the Honourable Col. *John Fenwicke*, Col. *John Gibbes*, Mr. *John Stanyarne* sen. Capt. *Samuel Underwood*, and Capt. *John Jenkins*, for the Parish of *St. John* in *Colleton* County; and for the Parish of *Prince George Winyaw*, Major *George Pawley*, Mr. *Daniel La Roche*, and Mr. *Elias Horry* sen. are hereby nominated and appointed to be the Commissioners mentioned in this Act; and they or the major part of them, are hereby authorized and impowered to accept and take any Grant or Conveyances of any Lands within the said Parishes respectively, to them and their Heirs, in Trust for the Inhabitants of the said Parishes of *St. John* in *Colleton* County, and *Prince George Winyaw*, for building and erecting Parish-Churches and Parsonage Houses in the said Parishes respectively, and for a Glebe for the Use of the same, and they are hereby authorized, required and impowered to exercise all the Authorities and Powers given them as Commissioners by this Act; and in case of the Death, Abiencce or Resignation of any of the said Commissioners, the remaining



*Repairing and Enlarging the Church of St. George in Dorchester.*

remaining Commissioners, or the major part of them, shall summon the Free-holders of the respective Parishes, to choose a person or persons to be Commissioner or Commissioners in the room or place of such person or persons so dead, gone off or resigning, as to them shall seem meet, which persons so chosen by the Majority of the Free-holders then present, shall and are hereby declared to be Commissioners of this Act, and are and shall be invested with the same Powers and Authorities as the other Commissioners appointed and named in this Act.

VII. AND forasmuch as several Bridges are unfinished and out of Repair in the said Parish of *St. Paul's*, at the Time of the making this Act, to which all the Inhabitants of the said Parish, before the Division of the same, ought collectively and respectively to contribute, **Be it therefore further Enacted** by the Authority aforesaid, That all the Bridges which within the Term of *two Years* shall be finished, rebuilt or repaired within the Limits of the said Parish of *St. Paul's*, as the said Parishes was limited and bounded before the making this Act, shall be finished, rebuilt and repaired at the united Expence of all the Inhabitants of the said Parishes, as if this Act had never been made, and as if the said Parish had still remained undivided, any Thing in this Act, or any other Act, to the contrary notwithstanding: *Provided*, That after the said Term of *two Years*, to commence after the Ratification of this Act, the said divided Parishes shall sustain the Expence of all the said Bridges distinctly, severally and respectively, according to the Usage and Laws now subsisting in other Parishes.

PAUL JENTS, Speaker.

*In the Council-Chamber,  
the 9th April, 1734.*

Assented to, ROBT JOHNSON.

Numb. 566.

And in Case of the Death or Resignation of any of the Commissioners those remaining to chuse new ones.

Bridges built in *St. Paul's* Parish within 2 Years, shall be finished at the united Expence of both Parishes.

But after 2 Years the Charge to be separate.

AN ACT

*For Repairing, Enlarging and Pewing the Parochial Church of St. George's Parish in Dorchester.*

567.

(a) See No. 401, § 1.

**W**HEREAS the Parish Church of (a) *St. George in Dorchester*, is in a very decay'd and ruinous Condition, and the same being also too small for the present Number of the Inhabitants of the said Parish, and others resorting thereto, We therefore humbly pray your most sacred Majesty, that it may be enacted, and **Be it Enacted** by his Excellency *Robert Johnson* Esq; Governour, Captain General and Commander in Chief &c. and with the Advice and Consent of his Majesty's honourable Council, and the Assembly of

Preamble.

Enacted,



Numb. 566.

*Repairing & Enlarging the Church of St. George in Dorchester.*

That it shall be lawful for the Church-Wardens & Vestry of said Parish to repair and enlarge the present Church of St. George.

And may appoint Persons to receive and collect Money for the same.

After the said Church is repaired, the said Church-Wardens may dispose of the Pews in said Church.

Any Person may give Land for the Use of the said Church.

of this Province, and by the Authority of the same, That it shall and may be lawful to and for the Church-Wardens and Vestry of the said Parish, or the major part of them, for the time being, to repair and new pew the present Church of St. George's Parish in *Dorchester*, and make an Addition to the said Church after such Manner as they shall think proper.

II. AND the better to raise a Fund for the repairing and adding to the said Church as aforesaid, **It is hereby further Enacted** by the Authority aforesaid, That the Church-Wardens and Vestry for the Time being, or the major part of them, shall from Time to Time be enabled to appoint any *two* or more proper persons for the said Parish, to receive and collect any Sum or Sums of Money, or other Donations for the use and purpose aforesaid, by the voluntary Subscription or Subscriptions of the parochial Inhabitants, or any other religious or well-disposed persons who have or shall at any Time be pleased to present Gifts, or subscribe to the same, which said Sum or Sums of Money, Donations or Subscriptions which have or shall be given, subscribed and collected as aforesaid, shall be disposed in such Manner as the Church-Wardens and Vestry of the said Parish, or major part of them, shall think most suitable and convenient.

III. And be it further Enacted by the Authority aforesaid, That after the said Church is repaired, and the Addition made, the Church-Wardens and Vestry, or the major part of them, for the Time being, shall have full Power, Right and Authority to grant, give and dispose of the Pews and Seats, or the Ground Room for Pews and Seats of and in the said Church, to such persons and in such Order and Situation as the said Church-Wardens and Vestry, or the major part of them, for the Time being, shall think proper, which said Titles shall be good and effectual, any Law, Usage, Right or Custom in any wise to the contrary notwithstanding.

IV. And it is hereby further Enacted by the Authority aforesaid, That it shall and may be lawful to and for any person or persons to give, grant and convey in Fee or otherwise, without any Licence of Mortmain, any Plat or Tract of Ground to the Church-Wardens of the said Parish, and their Successors for ever, for the better Support of the Reparation of the said Church, and as a Glebe or mensal Land, for the Use and Behoof of the Resident, Rector or Minister of the said Parish, and his Successors for ever.

PAUL JENTS, Speaker.

*In the Council-Chamber,  
the 9th of April, 1734.*

Assented to, ROB<sup>r</sup>. JOHNSON.

AN



## AN ACT

*For settling the Salaries of the Masters of the Free-School in Charles-Town, for the Use of the Inhabitants of the Province of South-Carolina.*

Numb. 568.

Preamble.

(a) Na. 330

(b) § 15.

(c) § 18.

WHEREAS in and by an Act, entituled, (a) *An Act for Founding and Erecting a Free-School in Charles-Town for the Use of the Inhabitants of this Province of South-Carolina*, among other Things it is Enacted, (b) That the Master of the said School thereby erected, for a further Encouragement to him, should have and receive out of the publick Treasury of this Province, the full Sum of *One Hundred Pounds per Annum*, to be paid him Half-yearly, and the publick Receiver for the Time being, is thereby authorized, required and commanded punctually to pay the same out of the said publick Treasury; And whereas also in and by the said Act the Commissioners therein named and their Successors, are authorized and impowered to appoint an (c) Usher and a Writing-Master, who shall also teach Arithmetick and Merchants Accounts, and also the Art of Navigation and Surveying, and other practical parts of the Mathematicks, who for their Encouragement should be allowed by Order of the said Commissioners, not exceeding *Fifty Pounds per Annum* each, to be paid in the same Manner by the publick Treasurer, as the Master's Salary is appointed to be paid; And whereas since the passing the said Act, being now upwards of *Twenty one Years*, the Alteration that hath happened in the Currency of this Province, hath reduced the said Salaries to *one fifth* part of their original Values; for Remedy whereof, We humbly pray your most sacred Majesty, that it may be Enacted, and **Be it Enacted** by his Excellency *Robert Johnson Esq;* Governor, Captain General and Commander in Chief in and over his Majesty's Province of *South-Carolina*, by and with the Advice and Consent of his Majesty's honourable Council, and the Commons House of Assembly of this Province, and by the Authority of the same, That from and after the Ratification of this Act, and the Settlement of the said Masters and Ushers in the said School, or any of them, the said Salaries of such Masters and Ushers so settled, or so much thereof as from Time to Time shall grow due, shall be paid by the publick Treasurer of this Province, to the said Masters and Ushers respectively, as shall be so settled, in manner as is directed by the said herein before in part recited Act, in the current Money of this Province, at *Four Hundred per Centum* advance, any Thing to the contrary notwithstanding.

Enacted.

That the Salaries of the Masters and Ushers of the said school shall be paid in the current Money of this Province of 400 per Cent. advance.

PAUL JENTS, Speaker.

*In the Council Chamber,  
the 9th of April, 1734.*

Assented to, ROBT. JOHNSON.



Numb. 569.

## AN ACT

*For Founding and Erecting, Governing, Ordering and Visiting a Free-School at the Town of Dorchester, in the Parish of St. George, in Berkley County, for the Use of the Inhabitants of the Province of South-Carolina.*

See No. 506

Preamble.

WHEREAS by the Blessing of Almighty God, the Youth of this Province are become very numerous, and their Parents so well inclined to have them instructed in Grammar, and other liberal Arts and Sciences, and other useful Learning, and also in the Principles of the Christian Religion, that the Free-School erected, authorized and established in *Charles-Town* for this purpose, is not sufficient fully to answer the good Intent of such an Undertaking; And whereas several of the Inhabitants of this Province who have a numerous issue and live at such a Distance from the said Free-School now established at *Charles-Town*, that their Circumstances may not be sufficient to permit them to send their Children thither to be educated, whereby they may be deprived of so great a Benefit; and it therefore appearing necessary, that one or more Schools be founded and erected in other part or parts of this Province, as shall be most convenient for the Carrying on so laudable a Design, We therefore most humbly pray your most sacred Majesty, that it may be enacted, and **Be it Enacted** by his Excellency *Robert Johnson* Esq; Governour of this his Majesty's Province of *South-Carolina*, by and with the Advice and Consent of his Majesty's honourable Council, and the Assembly of this Province, and by the Authority of the same, That the Honourable *Alexander Skeene, Thomas Waring, Joseph Blake, Arthur Middleton, Ralph Izard, Robert Wright, Paul Jenys, Walter Izard, Benjamin Waring*, Esqrs. the Reverend *Francis Vernod*, and *William Cattel* and *John Williams*, Esqrs and their Successors to be elected as herein after directed, be and shall for ever hereafter be one Body politick and corporate, in Deed and in Name, by the Name of *The Commissioners for Founding, Erecting, Governing, Ordering and Visiting a Free-School at the Town of Dorchester, in the Parish of St. George in Berkley County, for the Use of the Inhabitants of South-Carolina*, and that they and their Successors by the same Name, by the Authority aforesaid, be fully made, ordained, constituted and declared one Body politick and corporate, in Deed and in Name, and that by the same Name they and their Successors shall and may have perpetual Succession, and that they and their Successors by that Name, shall and may for ever hereafter be Persons able and capable in Law, to purchase, have, take, receive and enjoy to them and their Successors, Lands, Messuages, Tenements, Rents, Liberties, Priviledges, Jurisdctions, Franchises and other Hereditaments of whatsoever Nature, Kind, Quality or Value they be, in Fee and in perpetuity, and also Estates for Lives and for Years, and all other

Enacted,

That the Person within named and their Successors be one Body Politick & Corporate by the Name within mentioned.

And may have and enjoy Lands, &c.



*Free-School at Dorchester.*

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other Manner of Goods, Chattels and Things whatsoever, of what Name, Nature, Value or Quality soever they be, for the better Maintenance and Support of Masters or Teachers for the said School, and also for the Erecting of School-Houses and convenient Dwelling-Houses for the Accommodation of the said School-Masters and Teachers; and that by the Name aforesaid they shall and may be able to plead and be impleaded, answer and be answered unto, and to defend and to be defended, in all Courts or Places whatsoever, and before whatsoever Judge or Judges, Justice or Justices or other Officer or Officers belonging to this Province, in all and singular Actions, Plaints, Pleas, Matters and Demands of what Nature, Kind, Quality soever they be, and to act and do all other Matters and Things, in as ample Manner and Form as any other the Inhabitants of this Province, being persons able and capable in Law, or any other Body politick or corporate by the Laws of *England*, can or may have, purchase, receive, possess, take, enjoy, grant, set, let, demise, plead and be impleaded, answer and be answered unto, defend and be defended, do permit and execute; and that the said Commissioners and their Successors for ever hereafter, shall and may have a Common Seal to serve for the Causes and Business of them and their Successors, and to change, break, alter and make new the said Seal from time to time, and at their pleasure, as they shall think best; and the said Commissioners shall take the State-Oaths, and an Oath for the faithful Execution of their Offices.

And by that Name to plead and be impleaded.

And to have a common Seal.

And to take the State Oaths &c.

II. AND for the better Execution of the purposes aforesaid, **Be it further Enacted** by the Authority aforesaid, That the said Commissioners and their Successors for ever, shall and may yearly on *St. George's Day*, being the *Three and Twentieth Day of April*, (unless it shall be on *Sunday*, and then on the *Monday* following) meet at some convenient place to be appointed by the President of the said Commissioners for the Time being, between the Hours of *Nine* and *Twelve* in the Morning of the said Day, and that they or any three of them that shall be then present, shall choose a President for the Year ensuing, and that such President shall (before he acts in his said Office) take the State-Oaths, to be administered to him by any one Justice of the Peace, who is hereby authorized and empowered to administer the same, as also an Oath for the faithful and due Execution of his Office and Place during the said Year, and until discharged of the same.

The said Commissioners to meet yearly on the 23d of April to choose a President for the year ensuing

who before he acts shall take the Oaths, &c.

III. And be it further Enacted by the Authority aforesaid, That the President of the said Commissioners shall be the Honourable *Alexander Skeene Esq;* and that the said President shall within *Forty Days* after the Ratification of this Act, cause Summons to be issued to the several Commissioners herein before particularly mentioned, to meet at such a Day and at such a Place as he shall appoint, and the said President is hereby empowered then and there to administer to the said Commissioners the State-Oaths, as also an Oath for the due Execution of their Offices, and that they or the major part of them

*Alexander Skeene Esq;* President, who in 30 days after the Ratification of this Act shall Summon the Commissioners to meet to appoint Officers, &c.



Numb. 569.

*Free School at Dorchester.*

as shall be then present, shall proceed to the Election of such Officers, Ministers and Servants as shall be thought convenient to serve for the Year ensuing, and that each of such Officers, Ministers and Servants, as shall be then elected, shall take the State Oaths, and an Oath to be to them administered by the President of the said Commissioners for the faithful and due Execution of their respective Offices and Places until duly discharged of the same.

On the Death or Resignation of any Officer the Commissioners to appoint others.

IV. And be it further Enacted by the Authority aforesaid, That if any of the persons at any Time chosen into any of the said Offices, shall die, resign, or on any Account be removed from such Office, at any Time between such yearly Days of Election, that in such case it shall and may be lawful for the President for the Time being, to issue Summons to the other Commissioners, to meet at the usual place of annual Meeting, at such Time as shall be specified in the said Summons, and such Commissioners as shall meet upon such Summons (provided not less than *Five* in the whole) or the major part of them shall and may choose an Officer or Officers, in the room or place of such person or persons so dead or removed, as to them shall seem meet.

And in Case of the Death or Resignation of any of the Commissioners, those remaining to chuse new ones.

V. And be it further Enacted by the Authority aforesaid, That in case of the Death, Resignation or Removal from this Province of any of the said Commissioners, that then it shall be lawful for the President for the Time being, to issue out his Summons to the several surviving and remaining Commissioners to meet at the usual Place of the annual Meeting of the said Commissioners, at such Time as shall be specified in the said Summons, and that such Members as shall meet upon any Summons, provided not less than *five* in the whole, or the major part of them, shall or may choose a new Commissioner or Commissioners in the room or place of such person or persons so dead or removed, as to them shall seem meet.

On the Death or Resignation of the President, any 5 of the Commissioners may chuse another.

VI. And be it further Enacted by the Authority aforesaid, That in case of the Death, Resignation or Removal from this Province of the President, any *Five* or more of the Commissioners shall meet and choose another President for the remaining part of the Year, who shall have and enjoy all the Powers and Authority given and granted to the President by this Act appointed.

The Commissioners to meet once a year or oftner, to transact their Business.

VII. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners and their Successors to meet at some convenient place in the said Parish to be appointed for that purpose the *Twenty third* Day of *April*, being *St. George's* Day, or oftner if Occasion require, upon publick Summons given *Ten* Days before, then and there to transact the Business of the said Commissioners, and to put in force and execute the several Powers given them by this Act; and no Act done in any Assembly of the said Commissioners shall be effectual and valid unless the President and *Four* Members of the said Commissioners,



## Free School at Dorchester.

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missioners at least be present, and the major part consenting thereunto.

VIII. And be it further Enacted by the Authority aforesaid, That if any of the said Commissioners shall neglect to attend (being duly summoned as in this Act is directed) such Commissioners or Commissioner shall forfeit *Ten Shillings*, for every Day that the Commissioners shall meet to transact the Business of this Act, unless he or they so neglecting to attend, shall give the Commissioners or the major part of them, such Reasons as to them shall be satisfactory: And the Forfeitures arising by the Neglect of the said Commissioners to attend, shall be disposed of as the Majority of the Commissioners then met, shall order and appoint.

Penalty on any Commissioner being summoned neglecting to attend.

IX. And be it further Enacted by the Authority aforesaid, That all Gifts, Legacies and voluntary Subscriptions that shall or may hereafter be given or subscribed to or for the Use of the Free-School by this present Act established, by any person or persons, are hereby appropriated to and for the sole Use and Benefit of the said School; and the several Commissioners appointed by this Act, and their lawful Successors, are hereby authorized and empowered to demand and sue for the same, in the Courts of this Province, or elsewhere, by all such lawful Ways and Means for the Recovery and Obtaining of the same, as they might or could do if the said Gifts, Legacies and Subscriptions had been given to them expressly by Name, and a Receipt signed by such person or persons as shall be appointed Treasurer to the said Commissioners, shall be a sufficient Discharge to such Executor or Executors as shall pay such Legacies and Subscriptions, and the Money so received by such Treasurer shall be disposed of by Order of the said Commissioners, or their Successors, for the Use and Benefit of the School by this Act intended to be established, in such Manner as the Majority of them shall think most proper and convenient.

The Commissioners empowered to sue for all Gifts, &c. given for the Use of the Free-School by this Act to be established.

X. And be it further Enacted by the Authority aforesaid, That the said Commissioners and their Successors, shall have Power, and they are hereby authorized and empowered to take up by Grant from his Majesty, or purchase, have, take and receive from any other person or persons whatsoever, so much Land as they shall think necessary and convenient for the Masters and Teachers of the School hereby intended to be established, and shall direct the Building of such Houses as may be necessary to be erected thereon, for their Accommodation, the said Building to be in such Places on the said Lands so taken up or purchased as aforesaid, and of such Dimensions and Materials as the said Commissioners shall order and appoint.

The Commissioners empowered to take up Land for the Use of the said School.

XI. And be it further Enacted by the Authority aforesaid, That the Master of the said School shall be capable to teach the Learned Languages, *Latin* and *Greek* Tongues, and to catechise and instruct the Youth in the Principles of the Christian Religion.

Qualification and Duty of the School-Master.



*Making effectual Wills and Testaments.*

Numb. 569.

The Commissioners  
to set down Rules  
and Statutes for the  
better Government  
of the School.

**XII. And be it further Enacted** by the Authority aforesaid, That the said Commissioners and their Successors, shall have Power and Authority under their Common Seal, to set down and prescribe such Orders, Rules, Statutes and Ordinances for the Order, Rule, good Government and Management of the said School, and for the Master or Teacher and Schollars thereof, as to them and their Successors from time to time, shall seem meet and convenient; and that the same Orders, Rules, Statutes and Ordinances so by them made and set down, shall be and stand in full Force and Virtue in Law: *Provided* always, That the same be reasonable and fit, and not repugnant and contrary to the established Laws of this Province; and the said Commissioners for the Time being, shall have full Power and Authority to visit the said School, and to order, reform and redress all Disorders and Abuses in and touching the Government of the same, and further to censure, suspend and deprive any of the Masters, Ushers or Teachers of the said School as to them shall seem just, fitting and convenient.

Persons sued may  
plead the General  
issue.

**XIII. And be it further Enacted** by the Authority aforesaid, That if any Action, Claim, Suit or Information shall be commenced or prosecuted against any person or persons, for what he or they shall do in Pursuance or Execution of this Act, such person or persons so sued may plead the General Issue, *Not Guilty*, and upon Issue joyned give this Act and the special Matter in Evidence, and if the Plaintiff or Prosecutor shall become Non-suit or suffer Discontinuance, or if a Verdict pass against him, the Defendant or Defendants shall recover his or their treble Costs, for which he or they shall have the like Remedy as in any Case where Costs by Law are given to the Defendant.

PAUL JENTS, Speaker.

In the Council-Chamber,  
the 9th of April, 1734.

Assented to, ROB<sup>t</sup>. JOHNSON.

## AN ACT

570.

*For making more effectual Wills and Testaments, and for making valid all former Wills in this Province, according to the Tenor of the same, and for putting in Force several useful Matters herein comprised.*

Preamble.

**WHEREAS** there are many Estates in this Province held under Wills and Testaments; and to the Intent that the Titles may not be questioned where such Wills and Testaments have been duly executed, and for the Prevention of any Vexation or contentious Suits which may be brought or commenced hereafter, We humbly pray



*Making effectual Wills and Testaments.*

Numb. 570.

pray your most sacred Majesty, that it may be enacted, and **Be it Enacted** by his Excellency *Robert Johnson Esq;* His Majesty's Captain General, Governour and Commander in Chief in and over this Province, by and with the Consent of his Majesty's honourable Council, and the Commons House of Assembly, and by the Authority of the same, That all former Wills and Testaments heretofore made, for, of, or concerning any Lands, Tenements or Hereditaments, shall and are hereby declared to all Intents and Purposes whatsoever, to be good, valid and effectual in Law, according to the true Tenor and Purport of the same, as fully and effectually as if the Statute of the 32<sup>d</sup> of HENRY the 8<sup>th</sup>, Chap. 1<sup>st</sup>, and the Statute of the 34<sup>th</sup> of HENRY the 8<sup>th</sup>, Chap. 5<sup>th</sup>, of *Great Britain*, was or were of Force in this Province at the Time of the Making of the said Wills and Testaments, any Law, Custom or Usage to the contrary notwithstanding: *Provided*, That nothing herein before contained shall extend or be construed to make the Statute of *Westminster* the Second, Chap. the 1<sup>st</sup>, *Thirteenth* of EDWARD the first, entituled, *In Gifts in Tail the Donor's Will shall be observed the Form of a Formedon commonly called, the Statutes of Intails*, or any part thereof, of Force in this Province, or to make Estates, which were or are Fee-simple, conditional at the Common Law, Estates in Tail in this Province: *Provided also*, That nothing in this Act shall be construed to confirm or make good any Wills heretofore made in this Province since a Statute made in *Great Britain* the 29<sup>th</sup> of CAR. 2. entituled, *An Act for preventing of Frauds and Perjuries*, has been made of Force here, if such Wills are not agreeable to the said Statute.

Enacted,

That all former Wills & Testaments heretofore made concerning Lands, shall be good and valid in Law, according to the true Tenor and purport of the same.

Provided,

II. And it is hereby further Enacted by the Authority aforesaid, that from and after the Ratification of this Act, all and singular every Person and Persons having any Estate or Interest in Fee simple or any such Estate in Coparcenary, Joyntenancy or Tenancy in Common of and in any Lands, Tenements, Rents, Services or other Hereditaments in possession, reversion or remainder, shall and may have full Power, free Liberty and Authority to give, dispose will, or devise to any Person or Persons (except Body's Politick or Corporate) by his last Will and Testament in Writing and duly executed according to an Act made in the 29<sup>th</sup> Year of CAR. 2. for preventing of Frauds and Perjuries as much as in him of Right belongs, is or shall be, all his said Lands, Tenements, Rents, Services or other Hereditaments, Remainders or Reversions or any of them, at his and their own free Will and Pleasure, any Law, Statute or Usage to the Contrary notwithstanding.

After the Ratification of this Act every Person having any Estate may dispose of the same by his last Will, executed according to the Statute 29 Car. 2

III. AND for the effectual proving Nuncupative or verbal Wills, It is hereby Enacted by the Authority aforesaid, That all Witnesses which are good Witnesses at Trials at common Law, shall be good Witnesses to prove a Nuncupative or verbal Will made of Goods and Chattels agreeable to the aforementioned Statute for preventing of Frauds and Perjuries.

What Witnesses are good to prove a verbal Will.

IV.



Numb. 570.

*Making effectual Wills and Testaments.*

Widows may bequeath the Crops standing on her Dower Lands. And a Parson may do the same on his Glebe Land.

Wills made by a Feme Covert or Idiot not good.

Matters of Account to any deceased Persons may be filed in discount of any Action brought against an Executor, &c.

All Writts of Error and Writts of Appeal wherein there shall be any Variance from the Original, shall be amended.

Judgment not to be stayed for any Defect.

IV. **And be it further Enacted** by the Authority aforesaid, That from and after the Ratification of this Act any Widow may bequeath by Will the Crop or Crops, standing or growing on the Grounds of her Dower or on other Lands planted for her Use; and that a Parson may by Will bequeath the Crop or Crops growing or standing on his Glebe Land, any thing to the Contrary notwithstanding.

V. **PROVIDED** now and all times, **And it is hereby Enacted** by the Authority aforesaid, That any Will or Testament made or to be made by any *Feme Covert*, *Idiot* or any Person of *non sane* Memory shall not be good or valid in Law, any thing herein before to the Contrary notwithstanding.

VI **AND** forasmuch as no Matter of Account or Charge is or can be filed by way of Discount on the behalf of an Executor or Administrator on the Account of his Testator or Intestate against the Suit of any Creditor or his Executors, Administrators or Assigns in this Province, **It is therefore Enacted** by the Authority aforesaid, That from and after the Ratification of this Act, all Matters of Account, Demand or Reckoning due to any Person or Persons in his or their own Right, or to the Estate of any deceased Person may be filed in discount of any Action or Suit brought against the Executor or Administrator of such deceased Person, and all Counter-Charges, Demands or Reckonings may hereafter be filed or pleaded in Discharge or Discount of any Action or Suit brought by any Person as Executor or Administrator, as effectually as if the same were filed for that Purpose against the original Plaintiff or Plaintiffs by any former Law or Usage of this Province, any thing to the Contrary notwithstanding.

VII. **And be it further Enacted** by the Authority aforesaid, That all Writts of Error and Writts of Appeal, wherein there shall be any Variance from the Original Record, or other Defect, shall be amended and made agreeable to such Record, by the Court where such Writts of Error and Writts of Appeal shall be made returnable; and where any Verdict hath been or shall hereafter be given, in any Action or Suit in any Court of Record in this Province, the Judgment thereon shall not be stayed or reversed for any Defect or Fault either in Form or Substance, in any Bill, Writ, original or judicial, or for any Variance in such Writts from the Declaration or other Proceedings whatsoever: *Provided* always, that nothing herein contained shall extend to any Appeal of Felony or Murder, or to any Process, or any Indictment, Presentment or Information of or for any Offence or Misdemeanor whatsoever.

**PAUL JENTS**, Speaker.

*In the Council-Chamber,*  
*the 9th April, 1734.*

**Assented to, ROBERT JOHNSON.**



## AN ACT

*For the better Regulating the Port and Harbour of Charles-Town, and the Shipping frequenting the same.*

Numb. 571.

**W**HEREAS by any Law heretofore made in this Province, there hath been no sufficient Provision made for securing and preventing Annoyances in the Harbour of *Charles-Town*, or for the well regulating the same; And whereas the Mooring or Placing Buoys on the Bar of *Charles-Town*, hath been lately found to be of very great Use and Service, for the more speedy and safe Bringing in and Carrying out Ships and other Vessels; and that the Charge thereof may be better born and defrayed, We humbly pray your most sacred Majesty, that it may be Enacted, and **Be it Enacted** by his Excellency *Robert Johnson* Esq; Governor, Captain General and Commander in Chief in and over his Majesty's Province of *South-Carolina*, by and with the Advice and Consent of his Majesty's honourable Council, and the Commons House of Assembly, and by the Authority of the same, That the Powder-Receiver for the Time being, shall demand, take and receive from every Master of every Ship or Vessel Entering and Clearing this Port of *Charles-Town*, the Sum of *Three Pence* current Money of this Province, for every Ton such Master shall enter and pay Powder Duty for, which Money when received, shall be paid by the Powder-Receiver (who shall be allowed *Five per Cent* out of what Money he shall so receive, and for keeping Account thereof, agreeable to the Method of satisfying him for what he collects on Account of the Beacons) to such person or persons as the Governour, with the Advice of his Majesty's honourable Council, shall direct, and shall be applied to the Use of placing and keeping Buoys on the Bar of the Harbour of *Charles-Town*, and such person and persons shall lay an Account of all such Money before the Commons House of Assembly once in every Year.

Preamble.

Enacted.

That the Powder Receiver shall receive from the Master of every Vessel entering and clearing in *Charlestown*, 3 d. per Ton, to be applied as within mentioned.

**II. And be it further Enacted** by the Authority aforesaid, That if any Master or any other Person shall careen any Ship, Sloop, Perrianger or other Vessel, with blazing Fire, or cause the same to be done, at any of the Wharffs or Bridges within the Limits of *Charles-Town*, except in such place or places as shall be appointed by his Excellency the Governour for the Time being, with the Advice of his Majesty's honourable Council; and if any Master or other Person whatsoever, shall heat or cause to be heated, with blazing Fire, any Pitch, Tarr, Turpentine, Rozin, Oyl, Tallow or any other sulphurous or bituminous Matter, for the Use of any Ship or Vessel, except in such place or places as shall be appointed as aforesaid, every such Master or other Person, being convicted thereof, shall forfeit and pay the Sum of *Ten Pounds*; and that if any Master or other Person as aforesaid, shall suffer any Fire to be kept,

Penalty on any Person that shall careen any Vessel with blazing Fire at any Wharff in *Charles-Town*.

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Numb. 571.

## Regulating the Port and Harbour of Charlestown.

Or keep a Fire on  
board a Vessel after  
9 a Clock at Night.

(Candle or Lamps excepted) after Nine of the Clock at Night, on board any Ship or Deck Vessel lying at any of the said Wharffs, or shall heat or cause to be heated, with blazing Fire, any Pitch, Tarr, Turpentine, Rozin, Oyl, Tallow, or other sulpherous or bituminous Matter, on board of any Ship, Deck-Vessel, Perrianger, Boats or any other Craft, shall forfeit for every such Offence, the Sum of Ten Pounds.

No Person to cast  
Ballast into the Har-  
bour of *Charles-Town*  
or in any Creek or  
River on Penalty.

III. And be it further Enacted by the Authority aforesaid, That from and after the Ratification of this Act, no person or persons whatsoever, whether Inhabitant or Foreigner, trading with Ships or Vessels of greater or lesser Burthen having a Deck, shall unload or cast out of their Ships or Vessels, any kind of Ballast, into the Harbour of *Charles-Town*, or in any Creek or River within the Barr, excepting as is hereafter excepted, but shall lay the said Ballast in the Mid-way between High-water and Low-water Mark, at such place or places as his Excellency the Governour, or the Commander in Chief for the Time being, with the Advice of his Majesty's honourable Council, shall from Time to Time order and direct, and every person offending contrary to this part of the Act, shall forfeit the Sum of One Hundred Pounds current Money of this Province.

Lighters or Boats to  
be provided by the  
Publick for receiv-  
ing and discharging  
of Ballast.

IV. AND for the greater Ease of Masters and Commanders of Vessels trading here, and the better to enable them to comply with the Directions of this Act, Be it further Enacted by the Authority aforesaid, That there shall be found and provided by the Publick, two or more Lighters, Perriangers or other Vessels not less than Twenty Tons each, for Receiving and Discharging of Ballast, at the place or places directed in Manner as aforesaid, and the Masters of the said Boats or Vessels to be appointed by his Excellency the Governour, shall give Notice to all Masters or other Commanding Officers on board any Ship or Vessel, arriving within the Barr of *Charles-Town* Harbour, as soon as conveniently may be, after their Entry at the Custom-House, that the said Lighter or other Vessel is ready to receive and Discharge their Ballast, and all Masters or others having the Charge of such Ships or Vessels shall cause the said Ballast to be put into such Lighters, if such Lighters or Boats shall be ready to receive the same within two Days after such Masters or others shall have given due Notice, that he is ready to put his Ballast on shore, and if the same Boats or Lighters shall not be ready to receive the same Ballast within the said two Days, that then the said Masters of the said Vessels shall be at Liberty to put such Ballast on shore in such Boats as they shall think fit: *Provided* always, That if any of the said publick Boats shall be ready to receive any of such Ballast, after the said Master has begun to put the same on shore in his own Boats, that so much of the Remainder of such Ballast as he shall be able to carry away before the same shall be wholly discharged, shall be put on shore in such publick Boat, as if such Boat or Boats had been ready to have received the same within the said two Days, and such Master or Masters shall with

Proviso.



## Regulating the Port and Harbour of Charlestown.

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with their own Seamen, Servant or Labourers lay the same at the place or places so to be appointed as aforesaid; and the said Master of the said Boats or Vessels, is hereby required to let every Master or other person having Charge of any Vessel, have such Lighter or other Vessel, according to their Priority of Entry into the Custom-House, and the said Master of the said Boats or Vessels, shall not give any undue Preference, on pain of forfeiting the Sum of *Twenty Pounds*. In case any Master or other person having Charge of any Ship or Vessel, shall unnecessarily delay the Discharging of the Ballast in Manner aforesaid, the said Master of the said Boats or Vessels shall first admonish him, and in case such Master or other person, shall continue in such Neglect, the said Master of the said Boats or Vessels may take away the said Lighter or other Vessels, provided any other person has Occasion and waits to make Use of the same: And the Ballast so discharged and laid at the place or places as herein before directed to be appointed, shall be applied for the Use of the Fortifications in and about this Town or Harbour of *Charles-Town*; *Provided* nevertheless, That it shall and may be lawful for any Master or other person having Charge of such Vessel as aforesaid, to lay the Ballast at the place or places directed as aforesaid, with his own Boats, if the Ballast Vessel hereby directed to be provided, shall be in Use: *Provided*, That nothing in this Act shall be construed to hinder or debar any Merchants or Factors owning Lands on the Bay of *Charles-Town*, lying open to the Encroachments of the Sea, from ordering on shore the Ballast from on board any Ship or Vessel consigned to, or owned by him or them, and causing the same to be laid before such defenceless part of the Bay of *Charles-Town*, as the said Merchant, Owner and Factor, Proprietor of such defenceless Lands shall think proper, observing the same Order and Method as is directed by this Act; and the Yeoman of the Ballast is hereby required, on Application to him for that purpose, to order the publick Flats or Boats in Course for that Service, when they are not employed in bringing Ballast on shore for the Use of the publick Fortifications.

Ballast to be applied to the Use of the Fortification.

Proviso.

V. AND for the better Preservation of the said Harbour, and the Shipping, Riding in the same in the Time of Hurricanes and Tempests, **Be it further Enacted** by the Authority aforesaid, That all Ships and other Vessels using the Seas, from the last Day of *July* to the *Fifteenth* Day of *September* in every Year, shall ride well moor'd and shall not be permitted to lie within *One Hundred* Fathom of any of the Bridges or Wharfs of *Charles-Town*, and if any Ship or Vessel as aforesaid be found Riding Mored or Anchored at any of the said Wharfs or Bridges, or within *One Hundred* Fathom of the said Wharfs or Bridges during or within the Time aforesaid (except all such Vessels as arrive with Goods and Merchandize to be landed, who are hereby allowed to hawl to the Bridges and remain there a convenient Time not exceeding *Ten* working Days unlading their Cargoe) every Master or other Person having Charge of such Ship or Vessel shall forfeit the Sum of *One Hundred Pounds* Current Money of this Province; nor shall any Rafts or Piles of Timber or other

All Vessels using the Seas not to lay at any Bridge in Charlestown above 10 Days, from the last of July to the 15th of September.



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*Regulating the Port and Harbour of Charlestown.*

Penalty on any Person that have any Timber floating in the Harbour during the same Time.

other heavy Lumber remain floating within the Harbour or in any Place near the Fortifications or Front-Wall of *Charles-Town* for any Time more than *Six Days*, during or within the Time aforesaid, and if any such Rafts, Piles of Timber or other heavy Lumber be found within the Harbour aforesaid, during or within the Time aforesaid, every Owner of such Rafts, Piles or Lumber, or the Person who is intrusted to take care of the same, shall forfeit the Sum of *Twenty Pounds* Current Money of this Province.

Any Vessel may go into the Rivers to load, and may there unload their Ballast.

VI. And be it further Enacted, That nothing herein contained shall extend or be construed to extend to hinder or debar any Ship or Vessel from going up the Rivers into the Freshes or other places for their Conveniency, to load with Lumber or other Goods or Merchandize, and there to unload their Ballast, in such Manner as may no Ways tend to the Prejudice or Obstruction of any River or Creek within this Province.

Penalties and Forfeitures in this Act how to recovered and disposed.

VII. And be it further Enacted by the Authority aforesaid, That all and every the Penalties and Forfeitures arising or accruing by virtue of this Act, shall and may be sued for and recovered in any Court of Record in this Province, wherein no Essoign, Priviledge, Protection or Wager of Law shall be allowed or admitted, and shall be applied the *one Half* to his Majesty for the Support of this Government, and the other Half to him or them that will sue for the same.

Penalty on any Master of Vessels that shall fire Guns in the Harbour after Sun-set.

VIII. And be it further Enacted by the Authority aforesaid, That all Masters of Ships in this Harbour, or hereafter to be in the same, who shall Fire, cause, or permit to be fired any Guns on board their Ships or Vessels, in this Harbour, after Sun-setting, shall forfeit the Sum of *Forty Shillings*, for every Gun so fired after Sun-setting, to be recovered by Warrant under the Hand and Seal of any Justice of the Peace, from such Master so offending, which said Justices are hereby authorized and impowered to issue such Warrant against such Master, and to proceed to Judgment and Execution thereon, against the Offender's Body or Goods as the Justice shall think fit, which said Forfeiture shall be paid to him or them that will inform and sue for the same as aforesaid.

PAUL JENTS, Speaker.

In the Council-Chamber,  
the 9th April, 1734.

Assented to, ROBT. JOHNSON.





## AN ACT

Numb. 572.

*For the better and more certain Regulating and Adjusting the Meets and Boundaries of Queen-Street, formerly called Dock-Street, in Charles-Town, and for Appropriating such waste or vacant Lands as shall be found on the North Side of the said Street.*

Preamble.

WHEREAS divers and sundry Disputes have and do daily arise between the Inhabitants of *Charles-Town*, whose Lands are situate upon, and adjacent upon said *Queen-street*, formerly called *Dock-street*, through the Uncertainty and Irregularity thereof, by Means whereof great Mischiefs, Law-Suits and Contentions are likely to arise, to the great Detriment of the said Inhabitants; and the said Street so being irregular, the ancient Plan, Model or Form of the said Town is hereby rendered not uniform, or agreeable to the Meetings, Buttings and Boundings laid down in and by the said Model or Plan; for the better and more perfect Ascertainning and regulating the said *Queen-street*, formerly called *Dock-street*, for the future, and for the Prevention of all and all Manner of Suits, Quarrels and Contentions among the Inhabitants and Parties interested, We pray your most sacred Majesty, that it may be enacted, and **Be it Enacted** by and with the Assent of his Excellency *Robert Johnson Esq;* Governour, by and with the Advice and Content of his Majesty's honourable Council, and Assembly of this Province, and by the Authority of the same, That the said Street formerly known by the Name of *Dock-street*, shall for ever hereafter be call'd and known by the Name of *Queen-street*, and run and remain in the Manner following, *that is to say*, the said Street at the North-East End or Corner thereof next the Bay, shall be distant from the South-East Corner of the Dwelling-house of *Mr. Gillson Clapp*, nigh the State-House, *Nine Chain and Eighty-six Links*, and the said Street shall and is hereby ascertained to run from the said North-East Corner thereof next the Bay, (along the North side of the said Street) in a streight Line directly to the Front or South-side of the House in which *Mrs. Hutcheson* now dwells, and so to continue the same Course to the Street leading into Town towards *Mr. Brand's*, and the Course of the said Street then to alter and run exactly Parallel with *Broad-street* to *Ashley River*, and that the South-side of the said *Queen-street* shall run Parallel to the North-side thereof, at the Distance or Breadth of *Thirty three Feet*.

Enacted,

That the Street formerly called *Dock Street* be here after called *Queen street*.

The runnings and course of the same.

II. And be it further Enacted by the Authority aforesaid, That the said Street called *Queen-street*, so as aforesaid ascertained, regulated and laid down, shall so remain, continue and be from the Time of the Ratification hereof, and from thenceforth for ever, any

The said street so laid out, shall remain so for ever.



Numb. 572.

*The Bounds of Queen-street in Charlestown.*

other or former Survey, Plan or Model heretofore made, to the Contrary thereof in any wise notwithstanding.

The Names of the  
Commissioners, and  
their Power.

III. AND for the better, more perfect and plainer Laying out, Ascertainning and Regulating the said Street, and for the amoving the severall and respective Buildings and Fences running from North to South, athwart or across the said Street, so that nothing for the future, may obstruct, hinder or impede the Running of the said Street from East to West, according to the exact Course herein before particularly mentioned, **It is hereby further Enacted** by the Authority aforesaid, That from the Ratification of this Act, the Honourable *John Fenwicke* and *William Bull*, Esqrs. *William Waties* Esq; *Othniel Beale* Esq; and Capt. *Anthony Mathews*, shall be, and they are hereby authorized and impowered to be Commissioners fully and effectually to all Intents and Purposes, to cause the said Street called *Queen-street*, to be laid out in Manner and Form aforesaid, and all and every Buildings and Fences thereon now built and placed to amove, cut down and carry away, and that any three or more of them the said *John Fenwicke*, *William Bull*, *William Waties*, *Othniel Beale*, Esqrs. and Capt. *Anthony Mathews*, shall have full Power, by themselves, Servants or other Persons by them to be employed, to lay out, ascertain, meet, adjust and regulate the said Street, according to the true Intent and Meaning of this Act, they keeping an Account in Writing of their Actings and Transactions, in and about the Ascertainning and regulating the said *Queens-street*, which they are hereby required to lay before the General Assembly of this Province, from Time to Time as they shall be directed.

This Act shall be a  
sufficient Bar to any  
Action against the  
said Commissioners.

IV. And be it further Enacted, That in case any Action or Actions at Law or in Equity, shall be brought against them, the said *John Fenwicke*, *William Bull*, *William Waties*, and *Othniel Beale*, Esqrs. and Capt. *Anthony Mathews*, any or either of them, for any Matter, Cause or Thing whatsoever, that they or any or either of them, shall do or cause to be done, in and about the amoving, cutting down and carrying away any of the said Buildings, Fences, Pales or such Obstructions now standing and being on the said *Queens-street*, or any Pales, Fences, Buildings, or other Obstructions that may hereafter be erected or fixed up upon any part of the said Street, that then and in such Case it shall and may be lawful to and for them the said *John Fenwicke*, *William Bull*, *William Waties* and *Othniel Beale*, Esqrs. and Capt. *Anthony Mathews*, any or either of them, to plead the General Issue, and to give this Act in Evidence, which shall be a sufficient Bar to any such Action or Suits, to all Intents and Purposes whatsoever, and the person or persons bringing, commencing or prosecuting such Action or Suit, shall pay treble Costs, any Law, Usage or Custom to the Contrary notwithstanding.

V. And be it further Enacted by the Authority aforesaid, That if upon the Laying out and Ascertainning the said *Queen-street*,  
in



*Cleansing and making navigable the Head of Ashley River.*

in Manner and Form aforesaid, it shall appear that there is any vacant or waste Land on the North side thereof, the said Commissioners, or any three or more of them, shall cause the same to be admeasured, and an exact Plat to be made thereof, in order to be laid before the General Assembly for the Time being, to be by them disposed of and appropriated to such publick Uses as they from Time to Time shall think most proper.

PAUL JENTS, Speaker.

In the Council-Chamber,  
the 9th April, 1734.

Assented to, ROBT. JOHNSON.

Numb. 572.

Vacant Land on the North side of said Street to be disposed of by the General Assembly.

## AN ACT

573.

*For Clearing and Cleansing, and Making Navigable the Head of Ashley River, from the Bridge commonly called Waring's Bridge, to the Bridge commonly called Steven's Bridge, and from the said Bridge to Dorchester Bridge, and from thence to the Plantation of Samuel Wragg Esq; inclusive.*

**W**HEREAS the Inhabitants and Owners of Lands lying adjacent to the Head of *Ashley* River, by their humble Petition to the General Assembly, have set forth, that by Reason of several Obstructions in the Head of the said River, the Navigation is become impracticable, to the great Detriment of the Proprietors of the adjacent Lands, and have humbly prayed that they might have leave to bring in a Bill, and that an Act might be passed to appoint Commissioners for clearing, cleansing and making navigable the Head of the said River, And the General Assembly having taken the said Petition into consideration and judging the same to be reasonable, We therefore pray your most sacred Majesty, that it may be Enacted, and **Be it Enacted** by his Excellency *Robert Johnson* Esq; Captain General, Governor and Commander in Chief in and over your Majesty's Province of *South-Carolina*, by and with the Advice and Consent of his Majesty's honourable Council, and the Assembly of the said Province, and by the Authority of the same, That the honourable *Thomas Waring* Esq; *Malachi Glaze* Esq; *Samuel Stevens*, *Richard Eagles*, *Richard Waring* Esqrs. *Joseph Blake* and *Robert Wright jun.* Esqrs. and the Survivors of them, are hereby constituted and appointed to be Commissioners for clearing, cleansing and making navigable the Head of *Ashley-River*, from the Bridge made over the said River, at the Plantation of the Honourable *Thomas Waring* Esq; commonly called *Waring's Bridge*, to another Bridge made over the said River near the Town of *Dorchester*, commonly called *Steven's Bridge*, and from the said Bridge commonly

Preamble.

Enacted.

That the within named Persons be Commissioners for making navigable the Head of *Ashley* River, and the Branches thereof.



Numb. 573.

*Cleansing and making navigable the Head of Ashley River.*

commonly called *Steven's Bridge*, to *Dorchester Bridge*, and from thence to the Eastermost Side of the Plantation of *Samuel Wragg Esq;* inclusive; and the said Commissioners hereby appointed, or the Survivors of them, or any *four* of such Survivors, are hereby authorized and impowered, at the proper Costs and Charges, and by the Labour of the Inhabitants and Owners of the Land lying adjacent to the Head of the said River, within the Bounds herein after directed, limited and prescribed, by themselves, their Agents, Workmen, Servants or Slaves, to make the Head of the said River navigable for Boats, Barges, Perriaugers, Lighters or other Vessels, from the aforesaid Bridge commonly called *Waring's Bridge*, to the said Bridge commonly called *Steven's Bridge*, and from thence to the Eastermost part of the Plantation of the aforesaid *Samuel Wragg Esq;* inclusive, and to continue to maintain and use such Navigation in such Manner as the said Commissioners, or the Survivors of them, or any *four* of such Survivors, shall think fit: And for the better carrying on, or effecting, supporting and continuing the said Navigation, the said Commissioners and the Survivors of them, or the Majority of such Survivors, are hereby authorized and impowered to clear, scour, open and enlarge or streighten the *two* Branches of the said River, within the Bounds aforesaid, as they shall think proper and Convenient for the better Navigation of Boats and Vessels in the said River, or any Ways necessary for carrying on or effecting the said Undertaking.

II. AND whereas several Tracts of Land lying and being on Swamps and Savannas which run into the Head of the said River, are rendered in a great measure useless, by Reason of the Obstruction and standing of large quantities of Water therein, **Be it therefore Enacted** by the Authority aforesaid, That the majority of the Commissioners or the Survivors of them are hereby authorized and impowered to lay out new Cuts, Drains, Trenches or Passages for Water in and through the Lands which obstruct the Water from running into the Head of the said River, at the proper Costs and Charges of such Person or Persons as shall request the said Cuts, Drains, Trenches or Passages to be laid out, whether the same be the Soil of our Sovereign Lord the King, or any other Person, or any Body Politick and Corporate, their Heirs or Successors, and the said Commissioners and the Survivors of them, or any four of such Survivors are hereby fully authorized and impowered to remove all Trees Loggs, Timber and other Obstructions whatsoever which any way hinder or impede, or interrupt the Navigation of the said River, and they are hereby impowered and authorized by themselves, their Workmen, Servants or Slaves, to have free Ingrefs, Egrefs and Regrefs to and from the said River, or any Part thereof, within the Bounds aforesaid, through Lands and Plantations of any persons whatsoever, for the better and more easy and convenient Carrying, Conveying and Removing any Materials whatsoever, for carrying on, continuing or perfecting the Cleansing, Clearing and Navigation of the said River, and the said Commissioners, and the Survivors of them, or

And to execute all such Things as they shall think necessary for making & maintaining of the Branches of the said River navigable



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or any *four* of the said Survivors, are hereby fully authorized and impowered to do, perform and execute all such other Matters and Things as they shall think necessary and convenient for the making and maintaining of the Branches of the said River navigable, and for the Preservation and Improvement thereof.

**III. And be it further Enacted** by the Authority aforesaid, That the said Commissioners and Survivors of them, or any *four* of such Survivors, shall meet and assemble at *Dorchester*, in the Parish of *St. George* in *Berkley* County, at least twice in every Year, *that is to say*, on every *Easter Monday*, and every *first Monday* in *August*, in every Year, and at such other Days and Times as the said Commissioners for the Time being, or the Majority of them shall think fit: *Provided*, That if the said Commissioners shall meet at any other Times than on the Days hereon appointed, publick Notice of such Meetings shall be given by a Writing fix'd at the Door of the Parish Church, of the said Commissioners or a Majority of them, at least *two* Days before such Meeting.

The Commissioners to meet at *Dorchester* twice every Year.

**IV. And be it further Enacted** by the Authority aforesaid. That the Clearing, Cleansing and making Navigable the Head of the aforesaid River, from the aforesaid Bridge called *Steven's Bridge*, down to the Eastermost part of the Plantation of the aforesaid *Samuel Wragg*, in the Manner herein directed and prescribed, shall be done and performed at the equal Charge of all the Inhabitants and Owners of Land who live on each side of the said River, from the Eastermost part of the Plantations of *Samuel Wragg* and *Paul Jenys*, Esqrs. to the aforesaid Bridge commonly called *Steven's Bridge*, and also of all the Inhabitants and Owners of Lands who live backwards to the Northward and Southward of each side of the said River, and to whom the Landings on the said River, within the Bounds last above mentioned are nearest, of which the Commissioners aforesaid, or the Majority of them for the Time being, are hereby made sole Judges, which said Charge shall be raised by a Tax or Assessment on the Lands and Slaves of the said Inhabitants and Owners of Lands, and the said Commissioners or the Survivors of them, and any *four* of such Survivors, are hereby fully authorized and impowered to raise such Tax and Assessment on the Lands and Slaves of the Inhabitants and Owners of Lands within the Bounds and Limits before mentioned, in the same Manner and Proportion as the General Tax is or shall be from Time to Time assessed by Act of the General Assembly, and shall and may levy the several Sums of Money so to be imposed and assessed on the several Persons within the Bounds last above mentioned (in Case of Refusal of Payment) by Warrant of Distress, under the Hands and Seals of the said Commissioners for the Time being, or the Majority of them, and Sale of the Offender's Goods.

The clearing of the said River shall be done at the equal Charge of the Inhabitants on each side thereof.

**V. And be it further Enacted**, That the aforesaid Branches of the said River, from the aforesaid Bridge commonly called *Steven's Bridge*, to the aforesaid Bridge commonly called *Waring's Bridge*, shall be cleared,

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cleansed



Numb. 573.

*Cleansing and making Navigable the Head of Ashley River.*

All the Male Inhabitants living within the Bounds within mentioned shall be employed in clearing and making navigable the said River.

cleaned and made navigable in the manner herein before directed, by the equal Labour of all the male Persons living and residing on such Lands or Plantations to which any Landings between the Bridges last mentioned, already used or that shall be hereafter used upon the said River, and between the said Bridges last mentioned, shall be nearest or most convenient, of which the aforesaid Commissioners or the Majority of them for the Time being, shall be sole Judges, and the said Commissioners, or the Survivors of them, or any *four* of such Survivors, are hereby authorized and impowered at such convenient Times and Seasons as they shall think fit, by Warrant under their Hands and Seals, directed to any Constable in the aforesaid Parish of *St. George's*, to summon all the male Inhabitants and Slaves above the Age of *sixteen* Years, and under the Age of *sixty* Years, who shall live and reside in the Bounds last above mentioned, to work and be employed in and about the Clearing, Cleansing and making Navigable the aforesaid River, Streams and Water-Courses, from the aforesaid Bridge called *Steven's* Bridge, to the aforesaid Bridge called *Waring's* Bridge; and in case any of the said male Persons living or residing within the bounds last above mentioned, shall fail to appear on any of the Days or Times so to be appointed, every such Defaulter shall forfeit for each Days Absence, a Sum not exceeding *Ten Shillings*, to be recovered by Warrant of Distress under the Hands and Seals of the said Commissioners, or the Majority of them for the Time being, and sale of the Defaulters Goods.

Penalty on persons obstructing the Passage thereof.

**VI. And be it further Enacted** by the Authority aforesaid, That if any person or persons whatsoever, shall by himself, Servants or Slaves, either by felling of Trees or by any other Means whatsoever, either willfully or accidentally obstruct or interrupt the Passage, Course or Navigation of the said River, or any of the Drains, Cuts, Passages or Water-Courses leading to the same, and shall not within *two* Days after such Obstruction or Interruption happening, remove, clear and entirely take away, or cause the same to be taken away, every such Offender shall forfeit the Sum of *Five Pounds*, to be recovered by Warrant of Distress and Sale of the Offender's Goods as aforesaid.

Owners of Lands within the said Bounds, that have no Settlements thereon shall pay yearly 10 s. to the Commissioners for every 100 Acres.

**VII. AND** whereas several Persons do hold large Tracts of uncultivated Ground near or adjacent to the Head of the said River, which Lands by reason of the said River being made navigable, will be considerably increased in Value, for which Reason the Owners of such Lands, as they will receive the Benefit, so they ought to contribute to the Charge of making the said River navigable, **Be it therefore further Enacted**, That all and every Person Owner of any Lands that lie within the Bounds herein before mentioned, who have no Settlement on such Lands, either with Servants or Slaves, shall yearly and every year, on the *Twenty Ninth* Day of *September*, pay to the aforesaid Commissioners, the Sum of *Ten Shillings* for every *Hundred* Acres of Land, and so in Proportion for a greater or lesser Quantity, until the said Creek shall be opened and made navigable, or



*Cleansing and making navigable the Head of Ashley River.*

Numb. 573.

or until such Lands shall be settled with Servants or Slaves; and in case the Owners of such Lands or any of them shall neglect or refuse to pay the Sums from them respectively due, it shall and may be lawful for the said Commissioners, or the Majority of them, for the Time being, to levy the same by Warrant of Distress, and Sale of the Defaulters Goods as aforesaid: But in case it shall happen that the Defaulter shall have no Goods or Chattels, in, or no Goods or Chattels shall be produced and shewn to the Commissioners by his Agent or Attorney, on which Distress can be made, then it shall and may be lawful for the said Commissioners, or the Majority of them for the Time being, to cause to be felled and cut down, upon the Defaulter's Lands, or any part thereof, and to make Sale of so much Timber or Timber Trees as will be sufficient to raise the Sum or Sums hereby assessed, and made due and payable for such Defaulter's Lands, the said Timber being first viewed, appraised and valued by, and certified under the Hands and Seals of any *two* Free-holders of the aforesaid Parish of *St. George's*, by the said Commissioners, or the Majority of them for the Time being, for that Purpose to be appointed.

**VIII. And be it further Enacted** by the Authority aforesaid, That the Commissioners aforesaid, or the Majority of them for the Time being, shall have full Power and Authority to fix and appoint a convenient place for a Landing-place at or near the aforesaid Bridge commonly called *Waring's Bridge*, and shall or may lay out a Way or Road from such Landing-place to the Common or High-Road leading through the Plantation of the said *Thomas Waring Esq;* which Road or Way shall be uted, deemed or esteemed as the King's High-way. for the Conveniency of all persons whatsoever, who shall have Occasion to go through the same Road with their Carts, Waggon, Horses and Carriages, at all Times and Seasons whatsoever.

A Landing Place  
and a Road there-  
from to the High  
Road to be appoint-  
ed and laid out.

**IX. And be it further Enacted**, That if any of the aforesaid Commissioners shall die or depart this Province, that it shall and may be lawful for the remaining Commissioners, or the major part of them, to recommend others in their room to his Excellency the Governour for the Time being, for his Approbation, and the person so chosen and approved of, shall be invested with, and it shall and may be lawful for them, and every of them, to use and exercise the same Powers and Authorities which are given to the Commissioners by this Act appointed, in as full and ample Manner, to all Intents and Purposes whatsoever, as the Commissioners by this Act appointed can or lawfully may or ought to do.

In case of Death  
or Departure of any  
of the Commission-  
ers, others to be re-  
commended to the  
Governour.

**X. And be it further Enacted** by the Authority aforesaid, That if any person or persons whatsoever shall be sued, prosecuted or molested for any Matter or Thing done by virtue or in pursuance of this Act, such person may plead the General Issue, and give this Act, and the special Matter in Evidence, and in case the Plaintiff or Prosecutor shall become Nonsuit, suffer a Discontinuance, or a Verdict

Persons sued may  
plead the general  
Issue.



*Building a Bridge over Pon Pon River.*

Numb. 573.

Proviso.

This Act to be  
deemed a Publick  
Act.

dict shall pass against him, or Judgment shall be given against him on Demurrer, the Defendant shall recover his full Costs of Suit, for which he shall have the same Remedy as where Costs are given by Law. *Provided* nevertheless, That nothing in this Act contained shall extend, or be construed to extend, to prevent or hinder any person or persons from erecting Buildings, or making any Mill-Dams or Wares for any Purposes whatsoever, in and over any Branches of the said Rivers, Creeks, Streams or Water Courses out of the said River, or falling into the same, within the Bounds and Limits of their own Lands; *provided*, that the main Course and Stream of the said River be not obstructed thereby, but be left open, so that any person may pass and repass with Boats and Perryaugers up and down the same, any Thing herein contained to the Contrary notwithstanding.

XI. And be it further Enacted, That this Act shall be deemed and allowed as a publick Act in all Courts of Justice in this Province, of which all Justices and Judges are to take Notice without Pleading.

PAUL JENTS, Speaker.

In the Council-Chamber,  
the 9th April, 1734.

Assented to, ROBT. JOHNSON.

374.

## AN ACT

*For the Rebuilding a Bridge over Pon Pon River, and to appoint Commissioners to lay out a Road from thence to the Ferry on Combee River.*

Preamble

Enacted.

A Bridge shall be  
rebuilt over Pon Pon  
River.

WHEREAS the Bridge that was formerly built over Pon Pon River, hath been destroyed by a Flood or Rising of the said River; For the Ease of Passengers and Travellers, and for the opening a more safe and better Communication to the Southern Frontiers of this Province, We humbly pray your most sacred Majesty, that it may be Enacted, and **Be it Enacted** by his Excellency Robert Johnson Esq; Governour, Captain General and Commander in Chief in and over his Majesty's Province of South-Carolina, by and with the Advice and Consent of his Majesty's honourable Council, and the Assembly of this Province, and the Authority of the same, That the Commissioners herein after named and appointed by this Act, shall cause to be rebuilt and erected a good and substantial Bridge over Pon Pon River, where the Bridge formerly stood, at the Plantation of Capt. John Jackson, on the said River.

II.



*Building a Bridge over Pon Pon River.*

Numb. 574.

II. And be it further Enacted by the Authority aforesaid, That the said Bridge shall be built and erected at the Cost, Charges and Expence of the Inhabitants and Owners of Slaves in the two adjoyning Parishes, *that is to say*, the one Half of the Expence to be levied on all male Inhabitants from the Age of *sixteen* to *sixty*, in the Parish of *St. Paul's*, and the other Half to be levied on all male Inhabitants as aforesaid, in the Parish of *St. Bartholomew's* in *Colleton* County, in the Province aforesaid, and the Commissioners herein after named, are hereby authorized and impowered, and required to make an Assessment on all and singular the male Inhabitants from the Age of *sixteen* Years to the Age of *sixty*, in the said Parishes, and either of them, for and towards the Defraying the Charge and Expence of Rebuilding and Erecting the said Bridge.

At the Costs and Charges of the Inhabitants of the Parishes of *St. Paul's* and *St. Bartholomew's* by Assessment.

III. And be it further Enacted by the Authority aforesaid, That the said Commissioners or the major part of them, shall have, use and exercise the same Powers and Authorities in Rebuilding and Erecting the said Bridge, and in making the Assessment for Defraying the Charge and Expence thereof, and keeping the same in Repair after the same shall be rebuilt, as the several Commissioners of High-Roads or publick Paths have in this Province, by Virtue of any Act or Acts of the General Assembly.

The Powers and Authorities of the Commissioners.

IV. And be it further Enacted by the Authority aforesaid, That Capt *Anthony Mathews*, Mr. *John Bee*, jun. Mr. *Daniel Hendrick*, Mr. *John Jackson*, and Mr. *John Andrews*, be and they are hereby appointed Commissioners for putting in force and executing this Act, and every Matter and Thing relating to the said Bridge over *Pon Pon* River.

Names of the Commissioners for putting this Act in force.

V. AND whereas a Road from the Bridge aforesaid, to the Plantation of *Benjamin Godin* Esq; on *Ashepoo* River, and from thence to the Marsh leading to *Combee* Ferry, at *Combee* River, is much wanted, and would be of great Service to the Inhabitants of this Province travelling to the Southward Frontiers, it being the nearest Way to the new Settlement of *Purrysburg*, and the Colony of *Georgia*, Be it therefore Enacted by the Authority aforesaid, That *Thomas Buttler*, *William Jackson* and *William Webb*, be appointed Commissioners for laying out a Road and keeping the same in Repair, from the said Bridge to the said Plantation of *Benjamin Godin* at *Ashepoo*, inclusive, and that all the male Inhabitants from the Age of *sixteen* to *sixty*, of the South-side of the Road leading to the *Horse-shoe*, as far as the *Horse-shoe* Bridge, be obliged to work on the said Road: And that also *William Livingston*, *Henry Herne*, and *Richard Baker*, be appointed Commissioners for laying out a Road and keeping the same in Repair, from *Ashepoo* River aforesaid, to *Combee* Ferry aforesaid, and that all the male Inhabitants from the Age of *sixteen* to *sixty*, residing on the South-side of *Ashepoo* River, be obliged to work on the same.

Commissioners for laying out a Road from the said Bridge to the Plantation of *Benj. Godin*.

Commissioners for the Road from *Ashepoo* River to *Combee* Ferry.



Numb. 574.

*Regulating Pilots and erecting of Beacons.*

What Inhabitants  
are to be employed  
in building a Bridge  
over the head of  
Ashepoo River and  
in laying out a Road  
from the same.

VI. And be it further Enacted by the Authority aforesaid That all the Inhabitants from the Age of *sixteen* to *sixty*, who live above the old Bridge at the Head of *Ashepoo* River, and the West side of the Creek between *Wannel's Neck* and *Brian's Neck*, shall and they are hereby required to build a new Bridge, or rebuild the old one, over the Head of *Ashepoo* River, and keep the same in repair; and to lay out and keep in repair a Road from the said Bridge at the Head of *Ashepoo* River to *Saltcatchie* River, leading to the Rangers Fort, or where the Commissioners herein after mentioned shall think most convenient, which said Inhabitants last above mentioned, shall and they are hereby exempted from working on or being assessed for any other Road or Bridge in the said Parish.

Names of the Com-  
missioners for the  
said Bridge and  
Road.

VII. And be it further Enacted by the Authority aforesaid, That Col. *Joseph Blake* Esq; *John Bull*, *Wilham Bellinger*, be and are hereby appointed Commissioners for the Bridge and Road last above-mentioned, which said Commissioners, and all and every other the Commissioners herein before named, shall have all the Powers and Authorities for the putting this Act in Execution, as any other Commissioners of Roads have by any Act of Assembly of this Province.

PAUL JENTS, Speaker.

In the Council-Chamber,  
the 9th of April, 1734.

Assented to, ROBT. JOHNSON.

575.

## A N A C T

*For the better Settling and Regulating of  
Pilots, and for Erecting and Supporting of Beacons near the  
Barr and Harbour of Charles-Town.*

Preamble.

Enacted,

FORASMUCH as it is highly necessary for the Safety of all Ships and Vessels bound inward to, and outward from the Port of *Charles-Town*, that there should be a sufficient Number of skilful and able Pilots constituted and appointed for the bringing in and carrying out the same; For the more expeditious and effectual performing of which, We pray your most sacred Majesty, that it may be enacted, and Be it Enacted by his Excellency *Robert Johnson* Esq; his Majesty's Captain General, Governour and Commander in Chief in and over His Majesty's Province of *South-Carolina*, by and with the Advice and Consent of his Majesty's honourable Council, and the Assembly of the said Province, and by the Authority of the same, That the several Persons hereinafter named



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named be Commissioners for the Regulating of *Pilots* for the Port and Harbour of *Charles-Town*, viz. The Honourable *John Fenwicke* and *Joseph Wragg*, Esqrs. the Honourable *Paul Jenys* Esq; Capt. *Gabriel Escott*, Mr. *Benjamin Godin*, Capt. *George Smith*, and Capt. *Anthony Mathews*, (Three of whom are hereby declared to be a *Quorum*) which Commissioners, by the Consent, Direction and Approbation of the Governour for the Time being, shall and are hereby empowered to issue Warrants or Licences under their Hands and Seals, severally and respectively, to any fit and compleat Persons, not to be less than *six* in Number, to act as Pilots for the Conducting of Vessels inward to, and outward from the said Port, during their good Behaviour, severally and respectively: And if there shall happen to be a Deficiency of the said Number of *Seven* Commissioners, by Death or Departure out of this Province, the surviving or remaining Number in such case, shall apply to his Excellency the Governour for the Time being, to appoint a new Commissioner or Commissioners to fill any Vacancy that shall so happen; and so on from Time to Time, and at all Times hereafter, whensoever there shall be a Deficiency of the said Number of *Seven* Commissioners; which new Commissioners to be appointed in Manner aforesaid, shall from Time to Time, and at all Times hereafter have the same Power, Priviledges and Authorities with the Commissioners herein before particularly named, to all Intents and Purposes whatsoever.

That the Persons within named be Commissioners for the regulating Pilots, and issue out Licences to fit Persons not less than 6.

**II. And be it further Enacted** by the Authority aforesaid, That from and after the Ratification of this Act, no person shall be entituled to receive any Fee, Gratuity or Reward, for the conducting or piloting any mercantile or trading Vessels inwards to, or outwards from the said Port or Harbour of *Charles-Town*, unless such person has a Licence or Warrant for being a Pilot from the Governour for the Time being, as aforesaid, any Law, Custom or Usage to the Contrary notwithstanding.

No persons to receive any Reward for piloting of Vessels without such Licence.

**III. And be it further Enacted** by the Authority aforesaid, That every Pilot or Pilots, warranted or to be warranted, or licenced as aforesaid, shall give Security of *Five Hundred Pounds*, for the due Execution of their Office, and shall take and subscribe the following Oaths, to be tendered by the said Commissioners, or any Quorum of them for the Time being, before the said Pilot or Pilots shall be entituled to receive any Fee or Reward in that Capacity, viz.

Every Pilot licenced shall give Security in 500 l. and take the within mentioned Oath.

**I** A. B. appointed one of the Pilots for the Port and Harbour of *Charles-Town*, do solemnly and sincerely swear, that I will well and faithfully execute and discharge the Business and Duty of a Pilot, in the said Port and Harbour of *Charles-Town*, according to the best of my Skill and Knowledge: And that I will at all Times (Wind and Weather and Health permitting) use my best Endeavours to repair on board all Ships and Vessels that I shall see and conceive to be bound for, coming into, or going out of the said Port or Harbour of *Charles-Town*, unless I am well assured that some other licenced Pilot



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*Pilot is then aboard the same. And do further swear, that I will from Time to Time, make the best Dispatch in my Power, to carry safely out or bring over the Barr of Charles-Town, every Ship or Vessel committed to my Care; And that I will from Time to Time, truly observe, fullfil and follow, to the best of my Skill, Ability and Knowledge, all such Orders and Directions as I shall from Time to Time receive from his Excellency the Governour, or Commander in Chief for the Time being, or from the Commissioners, or the major part of them for the Time being, by the Consent, Direction and Approbation of the Governour for the Time being, in all Matters and Things relating to the Business of a Pilot; And that I will not be Partner with any more than one other Pilot at the same Time, in any Affair incident, relative or interfering to or with the Business, Duty or Office of a Pilot. So help me GOD.*

Damages happening  
to Vessels or their  
Cargo by the Pilots  
Negligence, shall  
be made good by  
him.

IV. And be it further Enacted by the Authority aforesaid, That if any Ship or Vessel whatsoever, or the Cargo or Freight therein contained, shall happen to receive any Damage, or miscarry, or be lost, through the Neglect, Insufficiency or Default of or in any of the Pilots for the said Port and Harbour of *Charles-Town*, after such Pilot takes Charge of the same, the said Pilot or Pilots shall in such case, on Conviction thereof, in any Court of Record in this Province, be obliged to answer and make good to the Sufferer or Sufferers, or to the Master of such Ship or Vessel, all and every the Damages or Losses which he or they shall sustain, through the said Pilot's Neglect, Insufficiency or Default in any Manner or Wise whatsoever.

Disputes between  
Masters and Pilots  
to be decided by  
the Commissioners.

V. And be it further Enacted by the Authority aforesaid, That in case any Dispute, Complaint or Difference shall happen to arise, or be made against or between any Master or Pilot, for, of, or concerning the Pilotage of any Ship or Vessel, or any other Matter incident or relative to the Business or Care of a Pilot, in the said Port or Harbour of *Charles-Town*, all such Disputes, Complaints and Differences are hereby ordered to be heard and determined by the Commissioners for the Time being, who by their Decree, Arbitrement or Order, shall and may finally decide, adjust and regulate every such Dispute, Complaint or Difference: And if either of the said Parties, Master or Pilot, shall refuse to abide by, fullfil or perform the Decree, Order or other Adjudication of the said Commissioners who shall hear and determine the same, the Party so refusing shall be subject to a Penalty of any Sum not exceeding *Twenty Pounds* current Money, as the said Commissioners shall think proper to adjudge, to be levied by Warrant of Distress, under the Hand and Seal of the said Commissioners, or of any three or more of them, against the Goods and Chattels of the Party so refusing; and if he has no visible Goods or Chattels, then an Attachment shall go in like Manner under the Hands and Seals of the said Commissioners against the Person of the Party so refusing, who is thereby to be kept in Prison, without Bail or Mainprize, till he make full Satisfaction for the said Penalty, which,



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which when paid or levied, the Commissioners are hereby required to apply towards the Fund for the erecting and supporting of Beacons near the Barr and Harbour of *Charles-Town*.

**VI. And be it further Enacted** by the Authority aforesaid, That if any of the Pilots for the Time being, for the said Port and Harbour of *Charles-Town*, shall be found not sufficiently skilled, or shall become incapable of acting, or shall be negligent, or misbehave in his Duty, or shall enter or be joyned in Partnership with more than one other Pilot at a Time, then and in such case it shall and may be lawful to and for the said Commissioners for the Time being, or of any *three* or more of them, by and with the Approbation and Consent of the Governour for the Time being, and not otherwise, to annul and revoke the Warrant or Licence of every such incapacitated or offending Pilot, who shall thenceforth be totally suspended, and be deemed incapable to receive and take any Fee, Gratuity or Reward for the Guiding or Piloting of any Ships or Vessels inward to, or outward from the said Port or Harbour of *Charles-Town*. And that a competent Number of Pilots may not at any Time be wanting for the Service of the said Port and Harbour, *It is hereby Ordered and Required*, That upon the Death or Suspension of any of the said Number of *six* Pilots, the Commissioners for the Time being, shall apply to the Governour to issue a new Warrant or Licence, to some other person whom he shall think proper to fill up the Vacancy.

Any Pilot being found not sufficiently skilled or negligent, the Commissioners may revoke such Licence, with Consent of the Governour and issue out another.

**VII. AND** that no Question or Doubt may arise about the Validity of any Act, Order or Proceeding of the said Commissioners herein before named, or of the Commissioners for the Time being, in case all of them shall not be present to act in or consent thereunto, **It is therefore hereby Enacted** by the Authority aforesaid, That any *three* or more of the said Commissioners, or of the Commissioners for the Time being, shall and may from Time to Time be a Board or Quorum, the Majority of whom shall have full and sufficient Power to have, act, order and determine, in all the Matters and Acts of Authority of the said Commissioners herein before directed, given or intended, as fully and amply to all Intents and Purposes whatsoever, as if the whole Number of the said Commissioners, or of the Commissioners for the Time being, should concur and jointly act in the said Authority, any Thing in any wise to the Contrary notwithstanding.

Three of the Commissioners to be a Quorum.

**VIII. And be it further Enacted** by the Authority aforesaid, That any person, Master or Commander, that shall bring any Ship or Vessel to the Barr, or Coast of this Harbour, and shall refuse to receive on board any warranted or licenced Pilot, the said person Master or Commander so refusing, and afterwards bringing in the said Ship or Vessel (not having any Pilot on Board) into the Port of *Charles-Town* aforesaid, shall and is hereby made liable to pay to the Pilot first offering to come on board such Ship or Vessel, without the Barr, to take Charge thereof, as a Pilot, the same Rates, Dues and

Any Master refusing on board a licenced Pilot he shall be liable to pay the Pilot first offering.

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Payment



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Payments as are hereinafter particularly expressed and provided, and to be paid in the same Manner as if the said Pilot had actually piloted the said Ship or Vessel into the said Port aforesaid.

The Master shall pay the licenced Pilot the Rates or Prices in the following Table.

IX. And be it further Enacted by the Authority aforesaid, That the Master or Commander of any Ship or Vessel, for the Consideration of the Pilotage of the said Ship or Vessel inward to, or outward from the Port of *Charles-Town*, shall pay unto the licenced Pilot or Pilots, that shall take Charge of the same, the several Sum and Sums of Money, Rates and Prices, as in the following Table are appointed, as full and ample Satisfaction unto the said Pilot or Pilots, for his and their Care and Charge in the bringing in, or carrying out every such Ship or Vessel over the Bar of *Charles-Town*, in *Cooper River*, and from thence outward, distinctly and severally, according to the Draught of Water of the said Vessel at the Time of the said Pilotage, viz.

## In Proclamation Money.

The Pilots Fees in Proclamation Money.

For Six Feet of Water or under, INWARD, Fifteen Shillings.			
— Seven Feet,	—	—	Twenty Shillings.
— Eight Feet,	—	—	One Pound five Shillings.
— Nine Feet,	—	—	Thirty Shillings.
— Ten Feet,	—	—	Thirty-five Shillings.
— Eleven Feet,	—	—	Two Pounds.
— Twelve Feet,	—	—	Two Pounds five shillings.
— Twelve and Half Feet,	—	—	Fifty Shillings.
— Thirteen Feet,	—	—	Fifty-five Shillings.
— Thirteen Feet and Half,	—	—	Three Pounds.
— Fourteen Feet,	—	—	Three Pounds five shillings.
— Fourteen Feet and Half,	—	—	Three Pounds Ten shillings.
— Fifteen Feet,	—	—	Three Pounds fifteen Shill.
— Sixteen Feet,	—	—	Five Pounds.
— Seventeen Feet,	—	—	Six Pounds five shillings.
For Six Feet Water or under, OUTWARDS, Fifteen Shillings.			
— Seven Feet,	—	—	Twenty Shillings.
— Eight Feet,	—	—	One Pound five shillings.
— Nine Feet,	—	—	Thirty Shillings.
— Ten Feet,	—	—	Thirty five shillings.
— Eleven Feet,	—	—	Two Pounds.
— Twelve Feet,	—	—	Two Pounds five shillings.
— Twelve Feet and a Half,	—	—	Fifty shillings
— Thirteen Feet,	—	—	Fifty-five shillings.
— Thirteen Feet and Half,	—	—	Three Pounds.
— Fourteen Feet,	—	—	Three pounds five shillings.
— Fourteen Feet and Half,	—	—	Three pounds ten shillings.
— Fifteen Feet,	—	—	Three pounds fifteen shill.
— Sixteen Feet,	—	—	Five Pounds.
— Seventeen Feet,	—	—	Six pounds five shillings.

Which



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Which said several Sums, computed for Pilotage in *Proclamation Money* as aforesaid, are hereby made payable from time to time and at all times hereafter in the Current Money of this Province, according to the proportionable Rate or Value thereof, at every such time or times of Payment, and at the general Standard then subsisting in this Province, of which the Commissioners are always to be Judges between Masters and Pilots.

The above Fees to be paid in the current Money of this Province according to the proportionable Rates or Value.

X. And be it further Enacted by the Authority aforesaid, That all and every Master or Masters of Ships or Vessels shall have Liberty to chuse what Pilot they please to carry them out of this Harbour.

The Masters of any Vessel may choose what Pilot they please to carry them out.

XI. And be it further Enacted by the Authority aforesaid, That the person or persons who shall be Security in the Secretary's Office of this Province for any Ship or Vessel, shall be liable to pay to the Pilot or Pilots severally and respectively the Money due to him or them for the Pilotage of such Ship or Vessel outward or inward, as the same shall happen to be due. AND that it shall and may be lawful to and for the said Pilot or Pilots, to recover the same in such manner as is provided by an ACT (a) of this Province, for the Trial of small and mean Causes.

Persons that are security in the Secretary's Office for any Ship, shall be liable to pay the Pilot.

(a) See No. 457, 530.

XII. And be it further Enacted by the Authority aforesaid, That all and every Pilot in this Harbour, when he has brought any Ship or Vessel to Anchor in the said Harbour before *Charles Town*, shall and are hereby directed and required, to Moor such Ship or Vessel, or to give proper Advice and Direction for the Mooring of the same, and for their safe Riding at such Moorings.

The Pilot after having brought a ship in the Harbour, shall moore the same.

XIII. AND whereas Ships and Vessels, falling to the Northward or Southward of the Barr of *Charles-Town*, are often in hazy Weather at a Loss to know where they are for want of Encouragement to be given to People to repair to them for their Instruction, upon Signals made to them for that purpose; Be it therefore Enacted by the Authority aforesaid, That when any Master of a Vessel, bound from the Port of *Charlestown*, receives on board, or takes Instructions from any white Person to the Barr of *Charlestown*; the Master of such Vessel is hereby made liable to pay to such person the Sum of *Twenty-five Shillings Proclamation Money*. And if such Instructor be desired to continue on board such Ship or Vessel, to bring them to the Barr aforesaid, that he shall be allowed the Sum aforesaid for every Day not exceeding *Two Days*: And for every Day after, so long as he shall stay at the Request of the Master, he shall be paid at the rate of *Five Shillings Proclamation Money* for each Day, to be recovered in the same manner as Fees for Pilotage, from the Master or his Security as aforesaid is appointed. *Provided* he apply for the same before the said Ship or Vessel departs the Harbour, but not afterwards.

Masters of Vessels receiving on board or taking Instructions of any white Person to the Barr of *Charlestown*, shall pay the within mentioned Allowance.

XIV.



Numb. 375

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Names of the Commissioners appointed for erecting of Beacons.

The Master of every trading Ship shall pay to the Powder Receiver at the rate of 9 d. per Ton.

Which Money shall be applied for purchasing of Soil and erecting Beacons.

XIV. AND FORASMUCH as divers Merchants, Mariners and others concerned and interested in the Trade of this Province, are very desirous to have Beacons erected near the Barr of *Charles-Town*, for the Direction of Vessels approaching the same, the Charge of which they are willing to support, at the Expence of the Shipping, for whose Convenience the same are intended; for the better Establishment and Regulation of which, We further pray his most sacred Majesty, that it may be Enacted, and **Be it Enacted** by the Authority aforesaid, That the following persons, *viz* the Honourable *John Fenwicke* Esq; *Joseph Wragg* Esq; the Honourable *Paul Jenys* Esq; Capt. *Gabriel Escott*, Mr *Benjamin Godin*, Capt. *George Smith*, and Capt. *Anthony Mathews*, be appointed Commissioners for the Erecting and Supporting of Beacons near the Barr and Harbour of *Charles-Town*, who are hereby authorized and impowered to purchase to them and their Successors in the Office for ever, in any place near the said Harbour, or the Coast adjoining, any Tract or Spot of Land for the purpose aforesaid, not exceeding in the whole, the Quantity of *One Hundred Acres*, which shall be and enure to the said Commissioners, and their Successors in Office, for the Use of the Navigation of the said Port for ever, and for no other Use or Purpose whatsoever.

XV. AND the better to raise a Fund for the purchasing of Land as aforesaid, and for the building and supporting the said Beacons, **Be it Enacted** by the Authority aforesaid, That the Master or Commander of every Trading Ship or Vessel, which shall come into the said Port of *Charles-Town*, at any Time or Times within the Space of *five Years*, from and after the Ratification of this Act, shall at the Time of his or their Clearing out with the Powder-Receiver, or the Powder Receiver for the Time being, pay to the said Powder-Receiver, the Sum of *Nine pence* current Money, for every Ton such Ship or Vessel pays Powder-Money for, before such Ship or Vessel shall be cleared at the Office of the said Powder-Receiver, any Thing in any Law, Usage or Custom to the contrary notwithstanding; which Money so to be paid or received as aforesaid, the said Powder-Receiver for the Time being, shall every *six Months*, account for and duly pay to the said Commissioners, or to such person as they shall appoint to receive the same, without any Deduction or Diminution whatsoever, save only the Sum of *Five Pounds per Cent* for the said Powder-Receiver's Trouble in receiving, accounting and paying the same.

XVI. And be it further Enacted by the Authority aforesaid, That all the Money so paid to the said Commissioners in pursuance of this Act, or by virtue hereof, shall be faithfully and speedily applied for the Purchasing of Soil as aforesaid, and for the Erecting of Beacons, near the said Barr or Harbour of *Charles-Town*, or for such other Uses as the said Commissioners shall think most advantageous to the Navigation of the said Port, without any Allowance or Deduction whatsoever, for their Trouble in so doing; and the said Com-



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Commissioners are hereby impowered and required to inspect the Erection of the said Beacons, and to employ such Artificers as they shall think most fit to execute the same.

XVII. AND if it should happen, that any of the said Commissioners should die, or be absent out of this Province, or should refuse to act, that then it shall be lawful for his Excellency the Governour for the Time being, to appoint any new Commissioners to fill up the Number of *Seven* aforesaid, herein before appointed, all which said Commissioners shall once a Year, if thereunto required, render a faithful and true Account upon Oath, to his Excellency the Governour and the General Assembly of this Province then being, of all the Money received by them, or with their Consent or Privity, severally and respectively, and how the same was applied, for the Purposes and Uses herein before directed or intended; and if any Surplus of the Money so collected should at the Expiration (b) of this Act, remain unappropriated to the Uses aforesaid, that then the said Commissioners with the Approbation of his Excellency the Governour then being, shall apply the same to some other useful Work for the Service of the Navigation of the said Port and Harbour, any Thing to the contrary notwithstanding.

(b) § 15.

In case of the Death of any of the Commissioners, the Governour to nominate another.

The Commissioners once a Year to lay their Accounts before the General Assembly.

PAUL JENTS, Speaker.

*In the Council-Chamber,  
the 9th of April, 1734.*

Assented to, ROBT. JOHNSON.

*An Act for Raising the Sum of Forty One Thousand Five Hundred and Eleven Pounds Nine Shillings and Ten Pence Half-penny, for Defraying the Charges of this Government for one Year, commencing the Twenty-fifth Day of March, One Thousand Seven Hundred and Thirty Three, and ending the Twenty-fifth Day of March, One Thousand Seven Hundred and Thirty Four.*

576.

Passed April 9, 1734.

Expired.

*An Act to supply the Defects in the Execution of the Tax Act for the Year One Thousand Seven Hundred and Thirty Three.*

577.

Passed May 30, 1734.

Expired.



## Repeal of an Act.

*N. B.* The following Instrument of Repeal should have been added after the Title of the Act, *Numb. 557, pag. 574.* but not being then at Hand, is inserted here, as follows,

*Numb. 557.*

*An Act for the Prevention of Suits and Disturbance to his Majesty's Judges and Magistrates in this Province on Account of the Habeas Corpus Act.*

*Passed.*

*Repealed* by Order of the KING's most Excellent Majesty in Council, as followeth.

*At the Court at St. James, the Eleventh Day of April, 1734.*

## P R E S E N T

*The KING's Most Excellent Majesty,*

*Lord President,  
Lord Chamberlain,  
Duke of Athol.  
Duke of Ancafter,  
Earl of Westmoreland,  
Earl of Grantham,*

*Earl of Selkirke,  
Earl of Hallifax,  
Lord Harrington,  
Mr. Chancellour of the Exchequer.  
Sir Charles Wager.*

Repeal of an Act.

**W**HEREAS by Commission under the Great Seal of Great-Britain, the Governour, Council and Assembly of His Majesty's Province of *South-Carolina*, are authorized and impowered to make, constitute and ordain Laws, Statutes and Ordinances for the Peace, Wellfare and good Government of the said Province, which Laws, Statutes and Ordinances are to be as near as conveniently may be, agreeable to the Laws and Statutes of this Kingdom, and to be transmitted for his Majesty's Royal Approbation or Disallowance: And whereas in Pursuance of the said Powers, an Act was passed in the said Province in *One Thousand Seven Hundred and Thirty Three*, which has been transmitted, entituled as followeth, *viz.*

*An Act for the Prevention of Suits and Disturbances to his Majesty's Judges and Magistrates in this Province on Account of the Habeas Corpus Act.*

*Which*



*Repeal of an Act.*

Which Act, together with a Representation from the Lords Commissioners for Trade and Plantations thereupon, having been referred to the Consideration of a Committee of the Lords of his Majesty's most honourable Privy Council, the said Lords of the Committee this Day presented the said Act to his Majesty at this Board, with their Opinion, that the same ought to be Repealed; His Majesty taking the same into Consideration, is pleased with the Advice of his Privy Council, to declare his Disallowance of the said Act, and pursuant to his Majesty's Pleasure thereupon expressed, the said Act is hereby *Repealed*, declared *Void* and of *none Effect*; Whereof the Governour or Commander in Chief of his Majesty's Province of *South Carolina*, for the Time being, and all others whom it may concern, are to take Notice and govern themselves accordingly.

TEMPLE STANTAN.



End of the First Part.



Repeal of an Act.

Which Act, together with a Report from the Lords Com-  
missioners for Trade and Plantations thereupon, having been referred  
to the consideration of a Committee of the Lords of the Majesty's  
most Honourable Privy Council, the said Lords of the Council, on  
this Day presented the said Act to the Majesty, with  
their Opinion, that the same ought to be Repealed; His Majesty  
taking the same into Consideration, is pleased with the Advice of his  
Privy Council, to declare the said Act, and par-  
ticulars therein contained, to be Repealed, the said Act is  
thereby Repealed, declared void and of no Effect; Which the  
Governour or Commander in Chief of his Majesty's Province of South  
Carolina, for the Time being, and all others whom it may concern,  
are to take Notice and govern themselves accordingly.

WITNESSED by the said Majesty at the City of London, the 10th Day of May, 1741.



End of the First Part.



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FH  
 MVSEVM  
 BRITANNICVM